



2026:AHC-LKO:13862-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL DEFECTIVE No. - 332 of 2025

State of U.P. through Principal Secretary,
Department of Horticulture, Lucknow and Of U.P.
Thru. Prin. Secy. Deptt. Of Horticulture Lko. And
2 Others

.....Appellant(s)

Versus

Sukh Das And 6 Others

.....Respondent(s)

Counsel for Appellant(s)

: C.S.C.

Counsel for Respondent(s)

: Mohd. Ateeq Khan

Chief Justice's Court

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE JASPREET SINGH, J.**

1. This appeal is directed against order 09.05.2024 passed by learned Single Judge in Writ-A No. 2698 of 2024, whereby the writ petition filed by the respondents against order dated 08.02.2024 passed by Director, Horticulture and Food Processing, Lucknow has been quashed and appellants have been directed to pay minimum of the pay scale to the respondents which is being paid to similarly situated regular employees performing the same work.

2. The appeal is barred by 402 days.

3. An application seeking condonation of delay in filing the appeal has been filed supported by affidavit of the Superintendent, Government Garden, Rampur *inter alia* indicating that after passing of the judgment on 09.05.2024, the same was forwarded to the Directorate. Whereafter, letters were written to the Directorate for seeking legal opinion on 17.05.2024 and 25.10.2024 based on which the District Horticulture Officer, Rampur sought legal opinion on 29.10.2024 from the Chief Standing Counsel, who delivered the opinion on 29.11.2024 which was referred to the Directorate on 13.12.2024 who, in turn, forwarded the opinion to the Law Department for permission to file appeal on 11.04.2025 which permission was granted on 01.05.2025, whereafter the matter was allotted for preparation of the appeal and it is claimed that the appeal was filed in the month of July, 2025.

4. Submissions have been made that meritorious matters should not be dismissed on technical grounds.

5. A perusal of the affidavit filed, clearly reflects callous and negligent attitude on part of the appellants in dealing with the matters once the orders are passed by the Court and specific time bound directions for compliance are given. Instead of ensuring the compliance and/or questioning the validity of the order in time, actually no steps are taken.

6. As would be seen, the order was passed on 09.05.2024, till 29.10.2024 even the opinion was not sought and once the opinion was given on 29.11.2024, permission from the State Government was sought only on 11.04.2025 and after grant of permission on 01.05.2025, the appeal has been filed on 06.08.2025. The yawning gaps between the date of passing of the order, seeking legal opinion, seeking permission to file appeal and thereafter filing appeal remains totally unexplained. Apparently, by way of a ritual, the applications and affidavits seeking condonation of delay are being filed, which cannot be countenanced.

7. Hon'ble Supreme Court in **Postmaster General & Ors. Vs. Living Media India Ltd. & Anr.** : (2012) 3 SCC 563 wherein, while dealing with the appeals filed on behalf of the State, by its agencies and government bodies, it was inter alia observed as under:

“29. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process. The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for the government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

30. Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.”

8. The said judgment was followed in **State of Kerala Vs. Akshaya Jewellers** : Civil Appeal No. 4486 of 2022, decided on 03.08.2023 by

Hon'ble Supreme Court.

9. Recently, Hon'ble Supreme Court in **Shivamma (Dead) by LRs Vs. Karnataka Housing Board and others** : Civil Appeal No. 11794 of 2025, decided on 12.09.2025, after scanning the entire law on the subject, observed as under:

"262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.

263. Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State, for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.

264. No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."

10. In view thereof, we do not find any reason to condone the delay in filing the appeal. The application under Section 5 of the Limitation Act is dismissed. Consequently, the appeal is also **dismissed**.

(Jaspreet Singh, J) (Arun Bhansali, CJ)

February 20, 2026

Rakesh/AHA