

ITEM NO.8 Court 9 (Video Conferencing) SECTION IV-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 13348/2020

(Arising out of impugned final judgment and order dated 13-11-2018 in WP No. 4076/2009 passed by the High Court of M.P. Principal Seat at Jabalpur)

THE STATE OF MADHYA PRADESH & ANR. Petitioner(s)

VERSUS

CHAITRAM MAYWADE Respondent(s)

(FOR ADMISSION and I.R. and IA No.67822/2020-CONDONATION OF DELAY IN FILING and IA No.67821/2020-EXEMPTION FROM FILING O.T. and IA No.67819/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 27-10-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Ms. Ankita Choudhary, Dy.A.G.
Mr. Arjun Garg, AOR
Ms. Rati Tandon, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

IA No.67822/2020-Application for condonation of delay

The State of Madhya Pradesh continues to do the same thing again and again and the conduct seems to be incorrigible! The Special Leave Petition has been filed after a delay of 588 days. We had an occasion to deal with such inordinately delayed filing of the appeal by the State of Madhya Pradesh in SLP[C] D.No.9217/2020 - *State of Madhya Pradesh & Ors. V. Bheru Lal* in terms of our order dated 15th October, 2020.

We have penned down a detailed order in that case and we see no purpose in repeating the same reasoning again except to record what are stated to be the facts on which the delay is sought to be condoned. On 05.01.2019, it is stated that the Government advocate was approached in respect of the judgment delivered on 13.11.2018 and the Law Department permitted filing of the SLP against the impugned order on 26.5.2020. Thus, the Law Department took almost about 17 months' time to decide whether the SLP had to be filed or not. What greater certificate of incompetence would there be for the legal Department!

We consider it appropriate to direct the Chief Secretary of the State of Madhya Pradesh to look into the aspect of revamping the legal Department as it appears that the Department is unable to file appeals within any reasonable period of time much less within limitation. These kinds of excuses, as already recorded in the aforesaid order, are no more admissible in view of the judgment in *Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr.* - (2012) 3 SCC 563.

We have also expressed our concern that these kinds of the cases are only "certificate cases" to obtain a certificate of dismissal from the Supreme Court to put a quietus to the issue. The object is to save the skin of officers who may be in default. We have also recorded the irony of the situation where no action is taken against the officers who sit on these files and do nothing.

Looking to the period of delay and the casual manner in which the application has been worded, the wastage of judicial time involved, we impose cost on the petitioner/State of Rs.35,000/- to

be deposited with the Mediation and Conciliation Project Committee. The amount be deposited within four weeks. The amount be recovered from the officer(s) responsible for the delay in filing and sitting on the files and certificate of recovery of the said amount be also filed in this Court within the said period of time.

We have put to Deputy Advocate General to caution that for any successive matters of this kind the cost will keep on going up.

The Special Leave Petition is dismissed as time barred in terms aforesaid.

We make it once again clear that the order is not complied within time, we may be constrained to initiate contempt proceedings against the Chief Secretary.

A copy of the order be also placed before the Chief Secretary for the State of Madhya Pradesh.

(ASHA SUNDRIYAL)
AR-CUM-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR