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**(2016) 09 NCDRC CK 0143**

**In the National Consumer Disputes Redressal Commission**

**Case No : 2672 of 2016**

GIRISH SAXENA

APPELLANT

Vs

GENERAL MANAGER, RESOURCES HRFC LTD. & ORS.

RESPONDENT

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**Date of Decision : 28-09-2016**

**Acts Referred:**

**Citation : (2016) 09 NCDRC CK 0143**

**Hon'ble Judges : V.K. Jain**

**Advocate : Shailabh Pandey**

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## **Judgement**

1. This revision petition is directed against the order of the State Commission dated 29.4.2016 whereby the said Commission declined to condone the delay of 912 days (about two and a half years) in preferring an appeal against the order of the District Forum and consequently dismissed the said appeal as barred by limitation. Since there is a delay of three days in filing this revision petition, an application seeking condonation of the said delay has already been filed. A perusal of the impugned order would show that the petitioner had sought condonation of delay of about two and a half years in filing the appeal on the following grounds:-

"2. That it is pertinent to submit here that the applicant was hand to mouth and went in depression and was suffering from various multiple ailments, with no source of income, due to illegal termination of his services and as per legal advice in the mean while the applicant filed a writ petition before the Hon"ble High Court, the said service matter has now been amicably settled before the Hon"ble High Court of Delhi on 6.5.2013 (Annexure A-7)

3. That after waiting for considerable time the applicant wrote a letter dated 21.11.2013 (Annexure A-8) through his advocate for doing needful in the matter, but in vain.

4. That in spite of bad health the applicant continuously keeping in touch with the respondents and the respondents only on 16.12.13 replied (Annexure A-9),

so there is some delay in filing the present appeal, which is bonafide and therefore is deserve to be condoned in the given peculiar facts and circumstances of the case."

2. Though the petitioner vaguely stated that he has gone into depression and was suffering from multiple ailments, no medical record was produced by him before the State Commission to prove that he was in depression and suffering from multiple ailments, disabling him from approaching the State Commission. No such record has been produced even before this Commission. In the absence of such a record, it would not be possible to accept the vague allegations made by the petitioner before the State Commission. Though it was also alleged that since the services of the petitioner had been terminated, he was busy in preparation of a writ petition, I fail to appreciate how the petitioner could be unable to approach the State Commission when he was in a position to file a writ petition against the termination of his services. The ground taken in this regard is highly vague and not at all convincing.

3. Considering the abnormal delay of about two and a half years on the part of the petitioner in approaching the State Commission against the order of the District Forum, the view taken by the State Commission, relying upon the decision of the Hon'ble Supreme Court in Anshul Aggarwal Vs. New Okhla Industrial Development Authority [IV (2011) CPJ 63 (SC)] and a number of decisions of this Commission, cannot be faulted with. The revision petition being devoid of any merit is hereby dismissed along with the application seeking condonation of delay in filing the revision petition.