
(2002) 10 AHC CK 0088
In the Allahabad High Court
Case No : C.M.W.P. No. 38940 of 2002

Smt. Aisha Siddique

APPELLANT

Vs

Senior Terminal Manager, I.O.C. and Another

RESPONDENT

Date of Decision : 01-10-2002

Acts Referred:

Citation : (2003) 2 AWC 1642

Hon'ble Judges : Rakesh Tiwari, J; M. Katju, J

Bench : Division Bench

Advocate : W.H. Khan, for the Appellant; P. Padia, for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and Rakesh Tiwari, JJ.—Heard learned counsel for the parties.

2. The petitioner has prayed that the respondents be directed to entertain and consider the petitioner's tender in pursuance of the tender notice dated 29.7.2002. The last date and time of submitting the tender in pursuance of the tender notice dated 29.7.2002 was 21.8.2002 by 12.00 Noon. It has been alleged in paragraph 4 of the writ petition that because of traffic Jam, the petitioner's driver could not reach at the office of the respondents at 12.00 noon but reached there at 12.10 p.m., that is, he was late by 10 minutes. Although, in paragraphs 6 and 9 of the counter-affidavit, it has been stated that in fact the petitioner's tender was not given on 21.8.2002 but was given on 22.8.2002, but even assuming that the allegation of the petitioner is correct, there is no doubt that the tender was late by 10 minutes.

3. In our opinion, time is of the essence in such matters, otherwise the legal position will be totally chaotic. For example, if in an election on the election day, the voting can take place from 8.00 a.m. to 4.00 p.m. and a voter reaches the polling station at 4.10 p.m. and states that he was late by 10 minutes because of a traffic jam and insists that he be allowed to cast his vote, in our opinion, he cannot be allowed to do so, whatsoever may be reason for the delay. Similarly,

this Court cannot extend the time for submission of the tenders. If we extend it by 10 minutes, then why not for 10 hours or ten days? Where will the line be drawn. Hence, the only correct view can be that one has to be strict in such matters. Since the petitioner did not reach in time to submit her tender it cannot be accepted.

4. The writ petition is dismissed.