

**(2019) 07 SHI CK 0112**

**In the High Court Of Himachal Pradesh**

**Case No :** Civill Miscellaneous Petition (M) No. 806 Of 2019 in Review Petition  
No. 76 Of 2019

State Of Himachal Pradesh through its Principal Secretary  
(IPH) & Another

**APPELLANT**

**Vs**

Sandeep Kumar

**RESPONDENT**

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**Date of Decision :** 30-07-2019

**Acts Referred:**

**Citation :** (2019) 07 SHI CK 0112

**Hon'ble Judges :** Ajay Mohan Goel, J

**Bench :** Single Bench

**Advocate :** Dinesh Thakur, Amit Kumar Dhumal, Divya Sood, Sunny Dhatwalia,  
Tim Saran

**Final Decision :** Dismissed

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**Judgement**

Ajay Mohan Goel, J

1. By way of this application, a prayer has been made for condonation of 581 days delay in filing the Review Petition, for review of the order passed by this Court in CWP No.10603 of 2012, dated 2.8.2017, which reads as under:-

"Mr.Vikram Thakur, learned Deputy Advocate General, submits that respondent stands re-engaged by the State and in this view of the matter, he has instructions not to press this writ petition at this stage. Accordingly, the petition is dismissed as not pressed. Miscellaneous applications pending, if any, also stand disposed of".

2. The order, review of which has been sought alongwith which an application has been filed for condonation of 581 days delay in filing the appeal, was passed on the basis of the statement which was so made in the Court by the learned Deputy Advocate General. The reasons mentioned in the application as to why there is a delay of 581 days in filing the review are that initially Executive Engineer, Flood Protection Division, Gagret, District Una, H.P., could not

understand the implication of the order passed by this Court and thereafter, the applicant being a government department, had to follow certain procedure and channel and the file had to move from one place to another till the final draft of Review Petition was duly approved and sent to the office of the learned Additional Advocate General.

3. In my considered view, the explanation which has been given in the application for condonation of delay is worth rejection.

4. Plainly speaking, the order passed by the Court was so innocuous that this Court fails to understand why, Executive Engineer, Flood Protection Division, Gagret, District Una, H.P., failed to understand the implication of the order which was passed by this Court. Is this Court to believe that an officer of the rank of Executive Engineer does not understand the language of an order which says that learned Deputy Advocate General submits that respondent stands re-engaged and in this view of the matter, he has instructions not to press the petition at this stage?

5. Besides this, further explanation which has been given in application for condonation of delay is a mundane explanation and in fact the officers who are appending their signatures to the applications for condonation of delays on such like averments, do not even understand that law of limitation applies equally cutting across the board be it a private litigant or the government. This Court takes exception to such kind of pleadings which are being made in the applications for condonation of delay, which are not supported by any contemporaneous official record.

6. Be that as it may, as there is no cogent explanation as to why, it has taken 581 days delay for the State to approach this Court, this application being devoid of any merit, is dismissed.

7. As the application for condonation of delay in filing the Review Petition has been dismissed, the Review Petition is also dismissed being barred by limitation, so also the miscellaneous application(s), if any.