

(2025) 11 J&K CK 1799
In the Jammu And Kashmir High Court
Case No : CM No.5739 Of 2024

State of Jammu & Kashmir

APPELLANT

Vs

Om Singh Bandral

RESPONDENT

Date of Decision : 13-11-2025

Acts Referred:

Citation : (2025) 11 J&K CK 1799

Hon'ble Judges : Arun Palli, CJ;Rajnesh Oswal, J

Bench : Division Bench

Advocate : Dewakar Sharma, O.S.Bandral

Final Decision : Dismissed

Judgement

Arun Palli, CJ

1. Through the medium of this application, condonation of delay of 1837 days in filing the appeal against the judgment dated 10.07.2019 passed by the learned writ Court in

SWP No. 1160/2014 titled Om Singh Bandral Vs. State of J&K and others, is being sought on the grounds inter alia that upon receiving the judgment dated 10.07.2019, the applicants-writ respondents passed consideration order, which was filed along with the compliance report, but, the same was rejected by the learned single Judge in contempt petition filed by the respondent-writ petitioner, vide order dated 29.05.2023. Thereafter, the matter was referred to the Department of Law Justice and Parliamentary Affairs vide communication dated 22.04.2024, and sanction was accorded to file LPA against the judgment dated 10.07.2019.

2. The contesting respondent has filed the response thereby submitting that by an order dated 10.10.2024, the applicants-writ respondents promoted him to the post of Senior Sales Executive effective 25.11.1999, granting him all consequential financial benefits accrued. This order, derived solely from the court

direction, is subject to the outcome of the LPA No. 204 of 2024. Besides, it is stated that no sufficient cause has been demonstrated by the applicants-writ respondents to condone the delay.

3. Heard learned counsel for the applicants-writ respondents and respondent-writ petitioner in person. We have also perused the record.

4. The writ petition filed by the respondent-writ petitioner bearing SWP No.1160/2014 titled 'Om Singh Bandral Vs. State of J&K and others' was disposed of by the learned writ Court and the applicants-writ respondents were directed to promote the respondent-writ petitioner as Senior Sales Executive with effect from 25.11.1999 and to grant and release him the pay of the post along all the consequential financial benefits.

5. A perusal of the application seeking condonation of delay reveals that no sufficient cause has been demonstrated by the applicants-writ respondents for seeking condonation of huge delay of 1837 days in assailing the order dated 10.07.2019. The learned writ court specifically directed the promotion of the respondent-writ petitioner with effect from 25.11.1999 along with all consequential financial benefits; it did not simply require the applicants-writ respondents to consider his claim for promotion to the post of Senior Sales Executive. However, the applicants-writ respondents, in their wisdom, passed the consideration order contrary to the directions of the learned writ Court that had never been the mandate of judgment dated 10.07.2019. Further, we find that vide order dated 10.10.2024, the judgment impugned in the appeal has been substantially complied with by the applicants-writ respondents.

6. After examining the application for condoning the delay of 1837 days in filing the appeal against the judgment dated 10.07.2019, we find no plausible or convincing reason to condone the inordinate delay. In Shivamma (Dead) by LRs Vs. Karnataka Housing Board and Ors, reported in 2025 INSC 1104, the Hon'ble Supreme Court of India, in paragraph No.263, has held as under:-

"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."

7. Accordingly, we dismiss this application, but without costs. Resultantly, the LPA No.204/2024 shall also stand dismissed along with connected CM(s), if any.