

(2007) 04 RAJ CK 0086
In the Rajasthan High Court

State of Rajasthan

APPELLANT

Vs

Shanker Lal and Others

RESPONDENT

Date of Decision : 12-04-2007

Acts Referred:

Citation : (2008) 1 RLW 563

Hon'ble Judges : Khem Chand Sharma, J;Gyan Sudha Mishra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

K.C. Sharma, J.—This is an application for restoration which indicates gross latches on the part of the appellant-State. The special appeal, which has been preferred against the judgment and order of the learned Single Judge upholding the award passed by the labour Court. Kota was filed with certain defects. Which were not rectified even after two years of the filing of the special appeal. The special appeal was filed in the year 2002 and thereafter the matter was listed for curing the defects in the year 2004 as the defect had not removed within two years. Hence, a peremptory order dated 18.10.2004 was passed by Coordinate Bench to remove the defects within a period of one week. The same also was not complied, as a result of which, the appeal stood dismissed for non-compliance of the peremptory order. The appellant-State thereafter did not move in the matter as no application for restoration was filed within the prescribed period of limitation and when the limitation expired, the application for restoration was filed along with an application for condonation of delay. The application for condonation of delay was listed on 24.1.2007 and in spite of absence of sufficient cause, the delay in filing the same was condoned. This is how this restoration application has been listed for orders.

2. Having heard the counsel for the parties, we have been able to gather that no sufficient cause had been shown for condoning the delay in filing the application nor any reason is found for not complying with the peremptory order granting opportunity to cure the defect which was lying on the defect side for more than

two years. Yet, when a peremptory order was passed granting further opportunity to cure the defects, that also was allowed to go in default. But, on account of the pendency of this appeal, the respondent-workman has been suffering for no fault on his part as although a contested award has been passed in his favour, which has been upheld by the learned Single Judge, the appellant-State has unnecessarily dragged the matter and is now interested in restoration of this appeal, which will entangle the respondent-workman again into a protracted litigation. Although, time and again, the delay in disposal of cases is attributed to the courts and lawyers by the State authorities, this is not an isolated incident where protracted litigation due to its pendency is the creation of an indifferent of casual approach of the State.

2.1 As no sufficient cause has been shown for restoration of this appeal which suffers from grave lapses referred to hereinbefore, we do not consider it appropriate to restore this special appeal. The application for restoration, therefore, stands rejected.