ITEM NO.9 Court 9 (Video Conferencing) SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 28554/2020

(Arising out of impugned final judgment and order dated 05-09-2019 in WP No. 10208/2018 passed by the High Court Of Judicature At Madras)

UNION OF INDIA & ORS. Petitioner(s)

VERSUS

R. JAYASANKARAN Respondent(s)

(FOR ADMISSION and I.R. and IA No.3624/2021-CONDONATION OF DELAY IN FILING)

Date : 01-02-2021 This petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Sanjay Jain, ASG
Mr. Praneet Pranav, Adv.
Mr. Santosh Kumar, Adv.
Mr. Raj Bahadur Yadav, AOR
For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The Special Leave Petition has been filed with delay of 385 days with an explanation given in the application for condonation of delay which gives only a saga of movement of file from one place to the other and that too with long interludes.

The aforesaid itself shows the casual manner in which the petitioner has approached this Court without any cogent or plausible ground for condonation of delay. In fact, other than the lethargy and incompetence of the petitioner, there is nothing which has been put on record. We have repeatedly discouraged State

Governments and public authorities in adopting an approach that they can walk in to the Supreme Court as and when they please ignoring the period of limitation prescribed by the Statutes, as if the Limitation statute does not apply to them. In this behalf, suffice to refer to our judgment in the *State of Madhya Pradesh &Ors. v. Bheru Lal* [SLP [C] Diary No.9217/2020 decided on 15.10.2020] and *The State of Odisha &Ors. v. Sunanda Mahakuda* [SLP [C] Diary No.22605/2020 decided on 11.01.2021]. The leeway which was given to the Government/public authorities on account of innate inefficiencies was the result of certain orders of this Court which came at a time when technology had not advanced and thus, greater indulgence was shown. This position is no more prevalent and the current legal position has been elucidated by the judgment of this Court in *Office of the Chief Post Master General & Ors. v. Living Media India Ltd. & Anr*. – (2012) 3 SCC 563. Despite this, there seems to be a little change in the approach of the Government and public authorities.

We have also categorized such kind of cases as "*certificate cases*" filed with the only object to obtain a quietus from the Supreme Court on the ground that nothing could be done because the highest Court has dismissed the appeal. The objective is to complete a mere formality and save the skin of the officers who may be in default in following the due process or may have done it deliberately. We have deprecated such practice and process and we do so again. We refuse to grant such certificates and if the Government/public authorities suffer losses, it is time when concerned officers responsible for the same, bear the consequences.

The irony, emphasized by us repeatedly, is that no action is ever taken against the officers and if the Court pushes it, some mild warning is all that happens.

Looking to the period of delay and the casual manner in which the application has been worded, we consider appropriate to impose costs on the petitioner(s) of Rs.25,000/- for wastage of judicial time which has its own value and the same be deposited with the Supreme Court Employees Welfare Fund within four weeks. The amount be recovered from the officers responsible for the delay in filing the Special Leave Petition and a certificate of recovery of the said amount be also filed in this Court within the same period of time.

The Special Leave Petition is dismissed as time barred in terms aforesaid.

Pending application stands disposed of.

A copy of this order be placed before the Chairman, Railway Board, Government of India cautioning that any non-adherence with the aforesaid order within timeline would result in appropriate proceedings being initiated against the Chairman himself.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR

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