

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). 12203/2020

(Arising out of impugned final judgment and order dated 08-07-2019 in CMP No. 11632/2017 08-07-2019 in WASR No. 41760/2017 passed by the High Court Of Judicature At Madras)

SECRETARY TO GOVERNMENT HOME DEPARTMENT & ORS. Petitioner(s)

VERSUS

P. GANESAN Respondent(s)

(FOR ADMISSION and I.R. and IA No.60980/2020-CONDONATION OF DELAY IN FILING)

Date : 20-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE AJAY RASTOGI
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Jayant Muthuraj, Sr. Adv./AAG
Mr. M. Yogesh Kanna, AOR

For Respondent(s)

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

Delay condoned.

A delay of 152 to 1152 days in filing Second Appeal before the Division Bench of the High Court was rightly declined and yet the Department takes this issue before this Court. We are of the view that this is one further case which has been brought only to invite a dismissal from this Court to close the issue and can be

categorized as the "certificate case". We strongly deprecate it. If there were negligence by the officers in filing appeal before the High Court, no action has been taken against the delinquent officers. The law governing the issue would be in the case of Office of the Postmaster General vs. Living Media India Ltd. reported in (2012) 3 SCC 563.

We thus dismiss the appeal with cost for waste of judicial time quantified at a nominal amount of Rs.5,000/-. This amount be recovered from the officers responsible for filing this appeal. We further make it clear if financial loss has been suffered by the State on account of negligent conduct of officers in filing the second appeal before the High Court, even that amount can be recovered from the officer concerned.

The cost to be deposited within four weeks with the Supreme Court Advocates-on-Record Welfare Fund.

Pending application, if any, shall also stand disposed of.

(ASHA SUNDRIYAL)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR