



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil First Appeal No. 859/2026
CNR: RJHC020496322026 | URN: CFA / 1381U / 2026

- 1. State Of Rajasthan, Through District Collector, Bharatpur
- 2. Director General Of Police, Headquarter, Jaipur.
- 3. Superintendent Of Police, District Bharatpur (Raj)

-----Appellants

Versus

Ramsingh S/o Shri Chandrapal, Aged About 19 Years, R/o Shyam
Nagar Colony, Bharatpur (Raj)

-----Respondent



For Appellant(s) : Mr. Akash Gaur, Dy.GC.,
Mr. Kailash Chand Gupta

For Respondent(s) : Mr. Kapil Bardar with
Ms. Anshulika Pareek,
Mr. Yogesh Meena

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

1.	Date of conclusion of Arguments	29.09.2026
2.	Date on which the order was reserved	29.09.2026
3.	Whether the full order or only operative part is pronounced	Full
4.	Date of pronouncement	12.10.2026

1. The present civil first appeal has been preferred by the appellant-State, assailing the judgment and decree dated 07.03.2025 (hereinafter, "the impugned judgment and decree") passed by the learned Additional District Judge No. 2, Bharatpur, in Civil Suit No. 189/2023 (CIS No. 72/2023).

2. The facts germane to the present appeal are that the plaintiff-respondent (hereinafter, "the respondent") instituted a civil suit against the appellant-State and others, seeking a declaration and injunctive relief for compassionate appointment in place of his deceased father. It was averred in the plaint that the respondent's father, late Shri Chandrapal Singh, who was serving as a Constable in the Police Department, died in an accident on 10.11.2016 while in active government service at Bharatpur.



3. Consequent thereto, the respondent applied for compassionate appointment under the Rajasthan Compassionate Appointment of Dependents of Deceased Government Servants Rules, 1996 (hereinafter, "the Rules of 1996"). As the respondent was a minor at the time of his father's demise, an application was moved for keeping the post reserved until he attained majority, which was duly accepted. Upon attaining majority, the respondent submitted a formal application for appointment on 16.02.2022 through the Superintendent of Police, Bharatpur.

4. It was further averred that although the defendants initially processed the application and got the requisite medical examination conducted, the respondent was subsequently served with a letter dated 23.12.2022 issued by the Police Commissionerate Headquarters, Jaipur, whereby his claim for compassionate appointment was rejected.

5. Asserting that the family had been left without any source of livelihood, the respondent prayed for a decree declaring the letter dated 23.12.2022 to be null and void, and for a mandatory injunction directing the defendants to grant him compassionate appointment.

6. Upon service of notice, the defendants filed a written statement denying the averments made in the plaint. On merits, it was contended that the respondent's claim is not tenable under the applicable statutory provisions, since his unmarried sister was appointed as a government teacher in the year 2019, after the death of their father. The defendants also raised preliminary objections to the effect that (i) the suit is barred by



limitation, having been filed six years after the death of the employee; and (ii) the civil court lacks jurisdiction in view of the specific bar created under Section 2 of the Rajasthan Civil Services (Service Matters Appellate Tribunals) Act, 1976, and accordingly prayed for dismissal of the suit.

7. On the basis of the pleadings, the learned trial court framed eight issues.

8. In support of his case, the respondent examined Ram Singh (PW-1) and exhibited eight documents (Ex. 1 to Ex. 8A). The defendants examined Sunil Prasad Sharma (DW-1) but produced no documentary evidence.

9. After hearing the parties and appreciating the evidence on record, the learned trial court, by the impugned judgment and decree dated 07.03.2025, decreed the suit in favour of the respondent, declared the letter dated 23.12.2022 to be null and void, while holding that on the date of filing and consideration of the application for compassionate appointment, i.e., 16.10.2022, none of the dependents of Late *Chandrapal* was in Government Service as his sister, namely, *Ruchi*, got married on 24.05.2021. and directed the appellant-State to appoint the respondent on compassionate grounds, in place of his deceased father, under the Rules of 1996.

10. Aggrieved thereby, the appellant-State has preferred the present appeal, accompanied by an application under Section 5 of the Limitation Act, 1963 (hereinafter, "the Limitation Act"), registered as CMCC No. 1264/2026, seeking condonation of a delay of 349 days in filing the appeal.



11. Learned counsel for the appellant-State submits that the appeal has been filed with a delay of 349 days, which occurred primarily on account of administrative reasons, namely, the need to procure the requisite legal opinions and approvals. It is contended that the time consumed in the internal decision-making process was neither intentional nor deliberate, but purely procedural in nature. It is further submitted that the State is an impersonal machinery that acts through its officers, and that decisions to file an appeal pass through several levels. A pragmatic and liberal approach should therefore be adopted, and the delay be condoned in the interest of justice.

12. In order to buttress his contentions, learned counsel for the appellant places reliance on the judgment passed by the Hon'ble Apex Court in the matter of ***Sheo Raj Singh v. Union of India*¹, *Inder Singh Vs. The State of Madhya Pradesh*², *Union of India Vs. Shri Brijraj Singh*³, *State of Nagaland Vs. Lipok Ao & Ors.*⁴, *Priyanka Shrimali Vs. State of Rajasthan*⁵, *CBI Vs. R.R. Kishore*⁶ and *State of Odisha Vs. Saroj Kumar Pradhan*⁷.**

13. Per contra, learned counsel for the respondent submits at the outset that the present appeal is barred by limitation. The impugned judgment and decree was passed on 07.03.2025, whereas the appeal was filed only on 20.05.2026, with a delay of 349 days beyond the prescribed period. It is submitted that the grounds furnished by the appellant-State to explain the delay are

1 (2023) 10 SCC 531

2 2025 INSC 382

3 2026 RJ (JP) 11921

4 2005 KHC 515

5 Civil Reference No.1/2022, dated 13.09.2022

6 AIR 2023 SC 4854

7 SLP (Civil) No.25212/2024, dated 17.11.2025



vague and unsubstantiated, and that government departments enjoy neither a special status nor an extended period of limitation. It is therefore prayed that the application for condonation of delay, as well as the appeal, be dismissed as barred by limitation.

14. In order to buttress his contentions, learned counsel for the respondent places reliance on judgments passed by the Hon'ble Apex Court in the matter of ***Pathapati Subba Reddy (Died) by L.Rs. and Ors. Vs. The Special Deputy Collector (LA)***⁸, ***State of Madhya Pradesh v. Bherulal***⁹, and ***Office of the Chief Post Master General v. Living Media India Limited***¹⁰, as well as a judgment passed by a Co-ordinate Bench of this Court in ***Jagdish Prasad & Ors. Vs. Sandeep Kumar & Ors.***¹¹.

15. Heard submissions made at bar and perused the material available on record.

16. A perusal of the record reveals that the impugned judgment and decree was passed on 07.03.2025 in the presence of the counsel for the appellant-State, and that the present appeal was filed on 20.05.2026, i.e., after 439 days. After excluding the period of 90 days prescribed for filing a first appeal under Article 116 of the Schedule to the Limitation Act, the appeal has been filed with a delay of 349 days.

17. The appellant-State has filed an application under Section 5 of the Limitation Act seeking condonation of this delay. The grounds set out therein are vague and unsubstantiated; it is merely stated that administrative reasons and the process of

8 2024 INSC 286

9 (2020) 10 SCC 654

10 (2012) 3 SCC 563

11 S.B. Civil Misc. Appeal No.321/2014, dated 31.05.2024



seeking approval for filing the appeal caused an unintentional delay.

18. Subsequently, in an attempt to cure the deficiencies in the explanation offered in the application, the appellant-State filed an additional affidavit along with copies of certain letters. These documents record nothing more than an exchange of routine, cyclostyled inter-departmental communications after the passing of the impugned judgment and decree dated 07.03.2025. They include a letter dated 22.04.2025, recording an opinion that it would be appropriate to grant compassionate appointment to the respondent, and a forwarding letter to the Home Department dated 14.10.2025, after a gap of about 175 days.

19. No explanation has been offered as to why, despite the initial in-principle opinion in favour of granting compassionate appointment to the respondent, an opinion on filing an appeal continued to be sought, and why the file remained dormant until 14.10.2025. The record is equally silent on the reasons for the further delay of about 211 days between 14.10.2025 and the approval for filing the appeal, which was issued only on 13.05.2026.

20. It is a settled position of law that the Government and its departments enjoy no special status, privilege or immunity under the Limitation Act, and are to be treated at par with private litigants. The law laid down by the Hon'ble Supreme Court in ***Living Media India Limited*** (supra) squarely applies to the present case, wherein it was held as under:



“12. It is not in dispute that the person(s) concerned were well aware or conversant with the issues involved including the prescribed period of limitation for taking up the matter by way of filing a special leave petition in this Court. They cannot claim that they have a separate period of limitation when the Department was possessed with competent persons familiar with court proceedings. In the absence of plausible and acceptable explanation, we are posing a question why the delay is to be condoned mechanically merely because the Government or a wing of the Government is a party before us. Though we are conscious of the fact that in a matter of condonation of delay when there was no gross negligence or deliberate inaction or lack of bonafide, a liberal concession has to be adopted to advance substantial justice, we are of the view that in the facts and circumstances, the Department cannot take advantage of various earlier decisions. The claim on account of impersonal machinery and inherited bureaucratic methodology of making several notes cannot be accepted in view of the modern technologies being used and available. The law of limitation undoubtedly binds everybody including the Government.

13. In our view, it is the right time to inform all the government bodies, their agencies and instrumentalities that unless they have reasonable and acceptable explanation for the delay and there was bonafide effort, there is no need to accept the usual explanation that the file was kept pending for several months/years due to considerable degree of procedural red-tape in the process.

The government departments are under a special obligation to ensure that they perform their duties with diligence and commitment. Condonation of delay is an exception and should not be used as an anticipated benefit for government departments. The law shelters everyone under the same light and should not be swirled for the benefit of a few.

Considering the fact that there was no proper explanation offered by the Department for the delay except mentioning of various dates, according to us, the Department has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay. Accordingly, the appeals are liable to be dismissed on the ground of delay.

14. In view of our conclusion on issue (a), there is no need to go into the merits of the issues (b) and (c). The question of law raised is left open to be decided in an appropriate case. In the light of the above discussion, the appeals fail and are dismissed on the ground of delay. No order as to costs.”

21. Similarly, in **Bherulal** (supra), the Hon'ble Supreme Court held as under:

“2. We are constrained to pen down a detailed order as it appears that all our counseling to Government and Government authorities have fallen on deaf ears i.e., the Supreme Court of India cannot be a place for the Governments to walk in when they choose ignoring the period of limitation prescribed. We have raised the issue that if the Government machinery is so inefficient and incapable of filing appeals/petitions in time, the solution may lie in requesting the Legislature to expand the time period for filing limitation for Government authorities because of their gross incompetence. That is not so. Till the Statute subsists, the appeals/petitions have to be filed as per the Statues prescribed.



3. No doubt, some leeway is given for the Government inefficiencies but the sad part is that the authorities keep on relying on judicial pronouncements for a period of time when technology had not advanced and a greater leeway was given to the Government”

22. A similar proposition was reiterated by the Hon’ble Supreme Court in ***Shivamma (Dead) By Lrs vs Karnataka Housing Board¹²***, wherein it was held as under:

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law."

23. Additionally, in the matter of ***H. Guruswamy and Ors. Vs. A. Krishnaiah Since Deceased By L.Rs.¹³***, the Hon’ble Apex Court has held as under:

“16. The length of the delay is definitely a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the Respondents herein, it appears that they want to fix their own period of limitation for the purpose of instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain

¹² 2025 INSC 1104

¹³ 2025 INSC 53





the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

17. We are of the view that the question of limitation is not merely a technical consideration. The Rules of limitation are based on the principles of sound public policy and principles of equity. No court should keep the 'Sword of Damocles' hanging over the head of a litigant for an indefinite period of time."

24. Applying the aforesaid principles to the case at hand, it is evident that, both in its condonation application and in the additional affidavit, the appellant-State has advanced only standard and generic excuses relating to inter-departmental file movement, administrative approvals and legal opinions. Such routine procedural delay and bureaucratic red-tape cannot constitute "sufficient cause" in law. In keeping with ***Living Media India Limited*** (supra), the mere movement of files from one desk to another, without active diligence, does not entitle the State to condonation of a gross delay as of right.

25. Even if the condonation application and the additional affidavit are read together, the explanation furnished for the delay is perfunctory. The appellant-State has failed to furnish any cogent reasons for the delay, and has relied merely on routine administrative lethargy and red-tape. It has thus failed to establish "sufficient cause" within the meaning of Section 5 of the Limitation Act so as to warrant the exercise of judicial discretion in its favour. Both the application and the additional affidavit seeking condonation of a delay of 349 days are vague and devoid of merit.

26. The respondent secured a decree in his favour on 07.03.2025. The record reflects that, despite being aware that the respondent was pressing for execution of the decree, the



appellant-State chose to remain inactive rather than expedite its internal processes. The future and livelihood of the respondent, whose claim pertains to compassionate appointment, cannot be left in perpetual uncertainty owing to administrative apathy.

27. Upon expiry of the prescribed period of limitation, a valuable right has accrued in favour of the respondent. Condoning such unexplained and negligent delay on the part of a government department would seriously prejudice that right and undermine the principle of finality in litigation. The appellant-State has acted with gross negligence and has failed to establish bona fides. The delay is attributable to inaction and administrative lethargy, neither of which warrants the exercise of discretion to condone delay under Section 5 of the Limitation Act.

28. As regards the judgments cited by learned counsel for the appellant-State, there is no quarrel with the legal principles propounded therein. However, in the considered opinion of this Court, they are distinguishable on facts, inasmuch as, in the present case, the appellant-State has furnished no explanation whatsoever as to why the case file remained dormant for months together.

29. Since the Hon'ble Supreme Court in **Pathapati Subba Reddy** (supra) has held that the merits of the case are not to be examined while considering an application for condonation of delay, this Court refrains from commenting upon or expressing any view on the merits of the case.

30. Before parting with the matter, this Court deems it appropriate to grant liberty to the appellant-State to initiate



appropriate proceedings against the officials responsible for the inordinate delay of 349 days in filing the present appeal. The appellant-State is also expected to review its mechanism for rendering legal opinions in court matters and to issue a Standard Operating Procedure directing its officials to adhere, in letter and spirit, to the periods of limitation prescribed under the Limitation Act.

31. In view of the foregoing discussion, the application bearing CMCC No. 1264/2026 under Section 5 of the Limitation Act is dismissed.

32. Consequently, the present civil first appeal is dismissed in limine as barred by limitation.

33. As a necessary corollary, all pending application(s), if any, stand disposed of.

(MANEESH SHARMA),J

60/Seema