

SUREME COURT OF INDIA

Government of Andhra Pradesh

Vs.

Y.S. Parkashrao

(A Koshal and R M Eradi JJ.)

14.01.1982

ORDER

1. A preliminary objection has been raised by the learned Counsel for the respondents to the effect that the special leave petition giving rise to this appeal was hopelessly time-barred and that the order of this Court condoning the delay suffered from lack of jurisdiction inasmuch as it was made without notice to the respondents. The factual aspect of the arguments is not disputed. The said order has, therefore to be ignored as a nullity.

2. We have heard learned Counsel for the parties on the question of condonation of delay. The application made in that behalf by the appellants stated the reason for delay to be misunderstanding on the part of an officer of the Government who had been required by the counsel for the State to get a copy of the judgment of the High Court. It is said that that officer thought that he was to wait till the High Court disposed of the question of the grant of certificate about the fitness of the case for appeal and that, he, therefore, went on waiting till the matter was finally disposed of by the High Court. Even though, the Special Leave Petition was time-barred by 69 days, no attempt was made by the appellants to put in an affidavit of the officer concerned. There is thus no material before the Court in support of the truth of the allegation which formed the reason for delay. We, therefore need not go into the question as to whether such a reason would have been sufficient for us to condone the delay or not.

3. In the result the petition praying for special Leave is dismissed as time-barred. In consequence the appeal becomes incompetent and is rejected for that reason. No