

State of Manipur and ors. Vs. All Manipur Regular Post Vacancies S.T.A. and ors.

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Court : Supreme Court of India

Decided On : Nov-01-1996

Reported in : 1996LablC596; (1996)ILLJ730SC; (1997)10SCC385

Judge : M.M. Punchhi and; K.T. Thomas, JJ.

Appeal No. : Civil Appeal arising out of SLPs (C) Nos. 9685, 17605, 24114-24130, 23940-24017, 24101-24113, 24132-24134 and 24108-24100 of 1995

Appellant : State of Manipur and ors.

Respondent : All Manipur Regular Post Vacancies S.T.A. and ors.

Judgement :

M.M. Punchhi and; K.T. Thomas, JJ.

1. Leave granted in all matters.

2. By a common judgment dated 15-12-1992 a learned Single Judge of the Imphal Bench of the Gauhati High Court passed orders detrimental to the interests of the State of Manipur. It appears that some preparatory steps were taken by the State of Manipur in order to appeal against the aforesaid common judgment and order before the Letters Patent Bench but on account of departmental problems it had to resort to review petitions before the learned Single Bench. Consequently, review

petitions were filed in the month of August 1994 pleading for condonation of delay in moving the court in review. The learned Single Judge condoned the delay and then went on to decide the review petitions on merits. Finally the same were dismissed on 20-9-1994. On request made by the learned counsel for the State Government on the prospect of appeals being filed, 15 days' time was granted by the learned Single Judge to file Letters Patent appeals. The State filed Letters Patent appeals within the time granted by the learned Single Judge. The Letters Patent Bench objected to the learned Single Judge's encroachment on their appellate powers to condone or not to condone the delay. The Letters Patent Bench declined to condone the delay and dismissed the Letters Patent appeals as belated. This has given cause to the State of Manipur and other parties joining with it, to come up in these appeals of a batch.

3. We have heard learned counsel. It is noteworthy and not open to any objection that the learned Single Judge was entitled to condone the delay in filing the review petitions before him. That was an aspect over which the Letters Patent Bench had no control at the stage it was. Once it is held that the learned Single Judge was entitled to condone the delay in entertaining the review petitions, then the entire period starting from the day when the judgment was pronounced by the learned Single Judge in the main case till the disposal of the review petitions was a period well spent which had to be deducted when computing the period of limitation due for filing Letters Patent appeals. The adverse comment attracted by the learned Single Judge from the Letters Patent Bench in allotting 15 days' time to the State of Manipur and others to appeal against the orders may well be deserved but the fact remains that the time prior thereto had to be deducted towards computation of limitation. It is stated at the Bar that the period of limitation prescribed for filing the Letters Patent appeal was 30 days from the date of the order. On the above analysis of facts the appellants were obviously within limitation. In any case the delay had appropriately been explained. For these reasons we allow these appeals, set aside the impugned order of the High Court and request it to ignore the delay, if any, and entertain the appeals in order to decide them on their merit. We further request the High Court to dispose them of most expeditiously after hearing both parties as the judgment of the learned Single Judge affects a large number of persons.

4. No costs.

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