IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

I.A.No.1 OF 2025
IN/AND
WRIT APPEAL NO: 318 OF 2025

Writ Appeal under clause 15 of the Letters Patent against the Order dated 15/02/2024 in W. P. (TR) No. 2645 of 2017 on the file of the High Court.

Between:

1. The Engineer-in-Chief, Rural Water Supply Division, P.R.Department R.No.505, 5th Floor, SRTGN Bhavan Erramanzil, Punjagutta, Hyderabad.
2. The Superintendent Engineer Rural Water Supply and Sewerage Medak Circle at Old Collectorate At Sangareddy, Medak District.
3. The Executive Engineer, Rural Water Supply and Sewerage Sangareddy Division at Sangareddy Medak District.

...PETITIONERS/APPELLANTS

AND

1. B.Nagesh, S/o Late Sri B.Raghunath Aged about 60 years, Occ. Office Subordinate O/o The Superintendent Engineer, Sangareddy at Sadasivapet, Mandal Parishad Development Officer Complex Medak District.

...RESPONDENT/WRIT PETITIONER

2. The District Audit Officer, State Audit, Medak District at Sangareddy.
3. The Government of Telangana, rep by its Principal Secretary to Government, Finance Department, Secretariat Buildings Hyderabad.

(Respondents No.2 and 3 are not necessary parties to this petition)

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to condone the delay of 352 days in filing the Writ Appeal in the interest of justice.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order dated 15-02-2024 passed in W.P.(TR).No. 2645 of 2017 pending disposal of the Writ Appeal in the interest of justice.

Counsel for the Appellant : Ms.M.SHALINI, GP FOR SERVICES II

Counsel for the Respondents: SRI M.BALAGANGADHARAIAH

The Court made the following: COMMON JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

I.A.No.1 of 2025
IN/AND
WRIT APPEAL No.318 of 2025

COMMON JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Ms. M. Shalini, learned Government Pleader for Services-II, for the appellants and Sri M. Balagangadharaiah, learned counsel for respondent No.1/writ petitioner.

2. I.A.No.1 of 2025, seeking condonation of delay of 352 days in filing the appeal, is taken up.

3. The order of learned Single Judge dated 15.02.2024 in W.P.(TR).No.2645 of 2017 is called in question in this intra-court appeal filed on 14.02.2025.

4. The delay is sought to be explained by contending that after receiving the copy of the impugned order dated 15.02.2024, a representation was received by concerned Superintending Engineer, Sangareddy. Thereafter, Engineer-in-Chief, Hyderabad, by communicated dated 26.04.2024 sought for legal opinion from the Government Pleader. In turn, after receiving

the legal opinion, the Engineer-in-Chief, Hyderabad, issued necessary instructions on 14.06.2024. In turn, Government issued instructions dated 01.11.2024 to file the appeal and in turn, the present appeal has been filed.

5. The limitation to file the Writ Appeal is thirty days. The aforesaid events show that the file processed in a snail speed. Merely because there was correspondence between the authorities of the Department for considerable long time, it cannot be said that they acted with "due diligence". It is trite that there are no separate set of limitation rules for the Government (see **Union of India v. Tata Yodogawa Limited**[1], where 51 days delay was not condoned). If there is a delay, it must be explained by furnishing "sufficient cause". In the manner file proceeded, it shows that the decision itself was taken after the period of limitation. For example, in paragraph No.4 of affidavit filed in support of the I.A., it is mentioned that the Engineer-in-Chief, Hyderabad, on 26.04.2024 instructed to obtain legal opinion. Thereafter, he took necessary instructions on 14.06.2024. The explanation of two months delay is absent. Thereafter, the appeal was filed on 14.02.2025. Thus, we are

[redacted] SCC 102

unable to hold that the appellants have shown 'sufficient cause' and therefore, the enormous delay of 352 days cannot be condoned.

6. Hence, the I.A. is **dismissed**. Consequently, the Writ Appeal is **rejected**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-I. NAGA LAKSHMI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Two CCs to GP FOR SERVICES II, High Court for the State of Telangana. [OUT]
2. One CC to SRI M.BALAGANGADHARAIAH, Advocate. [OPUC]
3. Two CD Copies.

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HIGH COURT

DATED:20/03/2025



COMMON JUDGMENT

I.A.No.1 OF 2025
IN/AND
WA.No.318 of 2025

ORDERING THE I.A &
REJECTING THE WRIT APPEAL
WITHOUT COSTS

(6)
26/03/25