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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 8257/2016 and CM No. 34223/2016

RAVINDER BHATT & ORS

..... Petitioners

Through Mr. Ravi Shankar, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through Ms. Suparna Srivastava, CGSC for
UIO with Mr. Jitendra Tripathi, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

% **03.03.2017**

We are not inclined to interfere with the impugned order dated 7th February, 2011 which disposed of OA No. 2471/2005 and other OAs, and also the order dated 31st May, 2016. passed in RA No. 295/2015 whereby the application for condonation of delay of four and a half years in filing the review application was dismissed.

The impugned order dated 7th February, 2011 follows and is in terms of the decision of the Delhi High Court dated 19th August, 2008 whereby RA No. 15/2005 in **WP(C) No. 6102/2002**, titled **UIO & Anr. v. Manoj Kumar & Ors.** along with RA No. 132/2005 in **WP(C) No. 5650/2002**, **UIO & Anr. v. Bhanwar Lal & Ors.** were allowed and the earlier orders dated 30.09.2002 and 10.12.2002 were recalled.

The Division Bench, while allowing the review applications had followed the decisions of the Supreme Court in the case of **Secretary, State of Karnataka and Ors. vs. Uma Devi & Ors., (2006) 4 SCC 1** and **Bank of India and Anr. Vs. Tarun Kumar Biswas & Ors. (2007) 9 SCALE 443.**

Learned counsel for the petitioners has submitted that some similarly situated employees have been given benefit in terms of the decision of this Court dated 7th December, 2007 in W.P.(C) No. 11344/2004 titled ***Rajesh Kumar vs. UOI & Ors.***, reported as 146(2008) DLT 588 (DB). It is also stated that the Special Leave Petition (C) No. 4896/2008 preferred against the said decision was dismissed by the Supreme Court vide order dated 13th July, 2012. The decision in the case of ***Rajesh Kumar (supra)*** had arisen out of contempt proceedings. Therefore, the said case is distinguishable.

Moreover, we find that there is considerable delay in challenging the order dated 7th February, 2011. The petitioner had accepted this order. The Review Application was filed after four and a half years with an application for condonation of delay. As the prolonged and extraordinary delay was unexplained, the application for condonation of delay has been rightly dismissed.

We, however, clarify that the present order would not prevent the petitioners herein from invoking any other remedy, if available to them, in accordance with law. Of course, the respondents would be entitled to contest and question the said proceedings on all grounds.

With the above observations, the petition is dismissed. The pending applications are also disposed of.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

MARCH 03, 2017/sd