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

+ W.P.(C) 11644/2017

DG, AIR & ANR

..... Petitioners

Through: Ms.Vertika Sharma, Advocate

versus

INDU GROVER & ANR

..... Respondents

Through: Mr.Padma Kumar S., Adv. for R-1

Mr.Jasmeet Singh, CGSC for UOI

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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17.04.2018

CM No.47346/2017 (by the petitioners for condonation of delay of 254 days in filing the present petition)

1. The petitioners are aggrieved by an order dated 22.11.2013, passed by the Tribunal, allowing O.A. No.4307/2011 filed by the respondent No.1 and the order dated 14.02.2017, by which their review application was dismissed. In this application, the petitioners seek condonation of delay of 254 days in filing the writ petition.

2. The only explanation offered in the present application for seeking condonation of delay of 254 days in filing the present petition, is as follows:

“2. That the applicants herein hereby most humbly request to condone the delay of 254 days in filing the present writ petition as the cause for filing of appeal is on the basis of the imperative facts, which inadvertently could not be brought before Hon'ble Tribunal due to multiplicity of the departments handing the said matter, even after due care by the department and same if not considered would directly burden the public exchequer of

unjust enrichment of the petitioner and other such similarly situated persons and further due to malafide act of the petitioner in OA, who deliberately concealed the said fact as stated in accompanying writ petition, since beginning before the consideration before Hon'ble Tribunal.”

3. It is evident from a perusal of the aforesaid averments that no light has been thrown by the petitioners on the reason for dragging their feet for over 250 days to assail the impugned judgment, particularly when the anxiety expressed above is that if the judgment is implemented, it will be a burden on the public exchequer and result in unjust enrichment of the respondent No.1.

4. Even otherwise, the delay stated to be of 254 days is a grossly inaccurate statement, in as much as the order assailed by the petitioners relates back to 22.11.2013. Since the review application filed by the petitioners before the Tribunal was dismissed in the year 2017, the challenge would still lie to the initial order dated 22.11.2013. So filing of the review petition or its dismissal would not be of any consequence. We may note that even the review application filed by the petitioner before the Tribunal was dismissed on account of delay of 452 days. The only explanation offered by the petitioner for the delay in filing the review application was that it had happened due to ‘*Inter-ministerial Consultation*’, which was turned down by the Tribunal as meritless. In other words, the delay on the part of the petitioners in approaching this court by filing the present petition is not of 254 days, but of over four years, with no justification. Therefore, we are not impressed with the aforesaid sketchy and inchoate explanation offered by the petitioners, and see no reason to entertain such a belated petition.

5. As a result, the request for condonation of delay is declined. The application is dismissed.

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As a consequence of dismissal of the application for condonation of delay filed by the petitioner, the present petition also stands dismissed, along with the pending applications.

HIMA KOHLI, J.

PRATIBHA RANI, J.

APRIL 17, 2018

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