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

+ **W.P.(C) 1458/2016**

SURESH SINGH & ORS. Petitioners
Through: Ms. Vandana Mishra and Ms. K.
Vaijayanthi, Advocates

versus

UNION OF INDIA & ORS. Respondents
Through: Ms. Anjana Gosain, Advocate

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE TALWANT SINGH

ORDER
% **23.12.2019**

CM APPL. 55143/2019 (for restoration)

1. For the reasons stated therein, the application is allowed. The writ petition is restored to file.

W.P.(C) 1458/2016

2. This petition is directed against an order dated 9th October, 2013 passed by the Central Administrative Tribunal ('CAT') dismissing the Petitioners' OA No.3190/2012 which the Petitioners had filed aggrieved by the non-upgradation of their pay scales with effect from 28th July, 2005.

3. This petition was initially filed on 15th December, 2015 and later re-filed after defects were cured. Noticing the delayed in filing the petition, this Court on 12th July, 2016 passed the following order:-

**“W.P.(C) 1458/2016 & CM APPL. 6365/2016
(DELAY)”**

Challenge in this writ petition is to the order dated 9.10.2013 passed by Central Administrative Tribunal. Although the petitioner has filed an application seeking condonation of delay but the delay is unexplained. Let an additional affidavit be filed by the petitioner explaining the delay.

Subject to the objection regarding delay, issue notice to show cause to the respondents as to why petition be not admitted. Ms. Anjana Gosain, Advocate, accepts notice on behalf of the respondent/UOI. Let counter affidavit be filed within six weeks from today. Rejoinder, if any, be filed within six weeks thereafter. The question with regard to delay is kept open.

List on 3.10.2016.”

4. An additional affidavit has been filed by the Petitioner on 27th September, 2016 seeking to explain the delay in filing the petition. The Court has perused the said affidavit. The only reason given therein is that “the delay occurred in filing the instant writ petition due to shortfall on the part of the Petitioners in approaching and getting proper and appropriate legal opinion for taking further cause of action.” It is stated that Petitioners, being low-paid salaried government employees, were under *bonafide* ignorance that “there is no scope of appeal against the orders of the learned Tribunals”.

5. The Court is not convinced with the abovementioned reasons. It is inconceivable that the Petitioners, having approached the CAT under Administrative Tribunals Act 1985, were not aware of the next course of action, if the order of the CAT was adverse to them. With there being no

convincing explanation for the delay, the Court dismisses the present petition on the ground of delay and laches.

S. MURALIDHAR, J.

TALWANT SINGH, J.

DECEMBER 23, 2019

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