

\$~27(2021)

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

% *Decision delivered on: 16.11.2021*

+ **W.P.(C) 12843/2021 & CM No.40444/2021**

ATTAR SINGHPetitioner

Through : Mr. Lalta Parsad, Adv.

Versus

UNION OF INDIA & ORS.Respondents

Through : None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE TALWANT SINGH

[Court hearing convened *via* video-conferencing on account of COVID-19]

RAJIV SHAKDHER, J. (ORAL):

CM No.40444/2021

1. Allowed, subject to just exceptions.

W.P.(C) 12843/2021

2. This writ petition is directed against the order dated 15.11.2019, passed by the Central Administrative Tribunal (in short “the Tribunal”) in O.A. No.2919/2017.

2.1. Via the impugned order, the Tribunal has dismissed the petitioner’s original application [in short “O.A.”] i.e., O.A.No.2919/2017 on the ground that, there has been an inordinate delay of 2164 days in approaching the Tribunal, without sufficient reasons being given for the condonation of delay.

3. Mr. Lalta Prasad, who appears on behalf of the petitioner, says that,

the reason(s) for the delay of 2164 days were furnished in the miscellaneous application [in short “M.A.”] i.e., M.A No. 3075/2017, preferred in the subject O.A., which had not been considered by the Tribunal.

4. We have perused the application for condonation of delay [i.e., M.A. No.3075/2017] filed by the petitioner before the Tribunal, which is appended on page 30 of the case file.

4.1. A perusal of the aforesaid M.A shows that the petitioner stated the following, in paragraphs 3 and 4, with respect to the delay of 2164 days in approaching the Tribunal:

- (i) That the order dated 10.08.2011 passed by the Assistant Director was received by petitioner's family, and the petitioner became aware of it only after one year, as he was not in station.
- (ii) The petitioner's wife was ill, who had to be looked after.
- (iii) After six-seven months from the date of passing of the order dated 10.08.2011, the petitioner was advised by his colleagues to institute an action.
- (iv) Although the petitioner engaged a Counsel, the Counsel did not take appropriate steps in the matter despite several attempts.
- (v) Lastly, the petitioner did not have the financial wherewithal.

5. A perusal of the record shows that the charge against the petitioner concerned retention of excess cash.

5.1. The respondents, after serving the petitioner with the chargesheet and conducting an enquiry, dismissed him from service, on 31.03.2005.

5.2. The petitioner had preferred an appeal against the said order of dismissal i.e., order dated 31.03.2005, with the appellate authority. However, the appellate authority was not persuaded, and consequently, the appeal was dismissed, on 03.04.2006.

5.3. The petitioner, thereafter, approached the Tribunal. The Tribunal dismissed the petitioner's original application [i.e., O.A. No.1170/2007], on 20.08.2008.

5.4. It appears that thereafter, the petitioner preferred a review dated 29.12.2008, qua the order of dismissal, which was dismissed on 10.08.2011 by the Assistant Director General, Department of Posts (GDS Section), Ministry of Communications and Information Technology. It is against this order that, the petitioner approached the Tribunal, once again, in 2017, *via* O.A. No.2919/2017. It is this O.A. which has been dismissed, *via* the impugned order dated 15.11.2019.

6. Learned counsel for the petitioner says that, a medical report was annexed with the rejoinder filed on behalf of the petitioner, in support of the application for condonation of delay.

6.1. The laxity with which the petitioner is conducting this case is evident from the fact that, the medical report, which is adverted to hereinabove, has not been placed before us.

7. In any event, we have examined the reasons stated by the petitioner in his application for condonation of delay, before the Tribunal.

7.1. None of the reasons furnished by the petitioner are good enough to explain the delay of 2164 days in approaching the Tribunal. Narration of events shows that there is procrastination by the petitioner at every stage. Therefore, even if one were to assume that a part of the delay was due to illness of the spouse, it still does account for a major part of the delay.

8. Therefore, given the foregoing, we find no reason(s) to interfere with the impugned order passed by the Tribunal.

9. Accordingly, the writ petition is dismissed.

RAJIV SHAKDHER, J

TALWANT SINGH, J

NOVEMBER 16, 2021/aj

[Click here to check corrigendum, if any](#)

