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

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Judgment delivered on: 07.07.2022

+ W.P(C) 10215/2022 & CM APPL. 29524-25/2022

ANIL AGGARWAL

..... Petitioner

versus

MUNICIPAL CORPORATION OF DELHI

.....Respondent

Advocates who appeared in this case:

For the Petitioner: Mr. Sanjiv Kumar Jha, Advocate.

For the Respondent: Mr. Arun Birbal, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 07.03.2022 whereby the application of the petitioner seeking condonation of delay in filing the original application before the Tribunal has been dismissed.
2. Petitioner in the original application sought to impugn the enquiry report dated 23.03.2006 as well as the major penalty imposed on 13.04.2006 as well as the order dated 27.08.2007 passed by the Appellate Authority.
3. As per the petitioner, petitioner was issued a chargesheet dated 03.03.2006. Petitioner contends that prior to issuance of the chargesheet the enquiry officer had already been appointed and no



opportunity given to the petitioner to respond to the allegations of charge before the enquiry officer was appointed.

4. Petitioner approached the Tribunal by way of the original application on 09.02.2022 with a delay of 4899 days.

5. In the subject application seeking condonation of delay, the ground taken by the petitioner was that petitioner was not aware of the infraction in the enquiry proceedings i.e. violation of Fundamental Rule 56J and became aware only when an query was made under the Right to Information Act and a response thereto received in August, 2021.

6. The Tribunal has held that the limitation for filing an O.A is one year from the date of accrual of cause of action. The subject original application was filed with a delay of 4899 days way beyond the stipulated statutory period.

7. The petitioner seeks to impugn the enquiry report dated 23.03.2006, order of major penalty dated 13.04.2006 which admittedly the petitioner received in 2006 itself and that is why the petitioner filed an appeal before the appellate authority which was rejected by the order impugned dated 27.08.2007.

8. The cause of action to impugn the said orders would accrue when the orders are brought to the notice of the petitioner which in the present case was in the year 2006 and 2007 respectively. The allegation that petitioner was not aware of the infraction in the enquiry proceedings till 2021 would not give rise to fresh cause of action to the petitioner to impugn the said orders which were duly served on the petitioner in 2006 and 2007.



9. We are of the view that no error has been committed by the Tribunal in holding that the original application filed by the petitioner is way beyond the statutory period of limitation and there is insufficient explanation for condoning the delay in filing the original application. In that view of the above, there is no infirmity in the impugned order rejecting the application seeking condonation of delay and consequently dismissing the original application on the ground of limitation.

10. We find no merit in this petition. The petition is accordingly dismissed. It is clarified that this Court has neither considered nor commented upon the merits of contentions of either parties.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

JULY 7, 2022/rk