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

Decided on: 29.04.2022

+ W.P.(C) 6767/2022, CM APPL. 20567/2022 & CM APPL. 20568/2022

BANWARI LAL Petitioner

Through: Mr. M.D. Naushad Alam, Adv.
through DHCLSC.

versus

ALL INDIA INSTITUTE OF MEDICAL SCIENCE

..... Respondent

Through: Mr. Tushar Gupta and Mr.
Parinay Gupta, Advs.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

HON'BLE MS. JUSTICE SWARANA KANTA SHARMA

NAJMI WAZRI, J. (ORAL)

The hearing has been conducted through hybrid mode (physical and virtual hearing).

1. The petitioner says that his representation before AIIMS Administration, to be considered for promotion, was pending for about 13 years, and it is only by letters dated 06.04.2019 and 19.08.2019 he was intimated about the rejection of his representation.
2. The rationale for dismissal of the petitioner's application for condonation of delay has been duly recorded in the impugned



order of the learned Central Administrative Tribunal (CAT),
and is reproduced hereunder:-

*“...3. The delay involved is 13 years and 11 months. The applicant has stated as many as 11 grounds in the M.A. for condonation of delay. To be precise, they are (i) illness of the applicant, (ii) economic hardship, (iii) illness of his wife, (iv) spending of money on education and marriage of 3 daughters and 1 son, (v) spending of money on construction of house, (vi) pursuing the remedy before SC Commission, (vii) the advice given by the Ministry of Health & Family Welfare for considering the case, (viii) approaching the District Legal Services Authority, (ix) his being an indigent and SC candidate, (x) the false hopes given by the Legal Cell of the respondent-institution; and (xi) existence of sufficient cause.
4. We have perused each one of them and find that except making the abstract and general statement, the applicant was not able to explain any delay even in days, let alone months and years.
5. We are not inclined to condone such an abnormal period. MA. is accordingly dismissed and thereby the O.A. is also rejected. There shall be no order as to costs.”*

3. The petitioner's grievance is about his non-promotion relating to the year 2004. He superannuated in 2006. The 2019 letter of AIIMS cannot be the reason for condonation of delay of 15 years.
4. The court finds no reason to interfere with the aforesaid order.



NEUTRAL CITATION NO: 2022/DHC/001792

5. The petition along with the pending application is dismissed.

NAJMI WAZIRI, J

SWARANA KANTA SHARMA, J

APRIL 29, 2022/dss

