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

+ **W.P.(C) 4831/2024**

MAHESH SINGH

.... Petitioner

Through: Ms. Manupriya Verma, Advocate.
versus

UNION OF INDIA AND ORS

..... Respondents

Through: Mr. Jivesh Tiwari, Sr. Panel Counsel
with Mr. Amit Acharya, Advocate for
UOI.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

03.04.2024

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CM APPL. 19727/2024 (Ex.)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 24.01.2023 passed by the learned Central Administrative Tribunal in M.A. No. 1286/2021 filed in O. A. No. 236/2023. Vide the aforesaid application, the petitioner had sought condonation of delay of 565 days in filing the OA which application alongwith his original application has been dismissed by the learned Tribunal.

4. Learned counsel for the petitioner submits that since the petitioner had appeared in person before the learned Tribunal, he was unaware about the Apex Court's order in Suo Moto W.P. (C) No.



3/2020 according to which the period between 16.03.2020 to 28.02.2022 was required to be excluded for the purposes of computing the period of limitation. In case the aforesaid period is excluded, the delay in filing the OA was only 179 days which aspect the learned Tribunal failed to appreciate. Furthermore, the petitioner was pursuing his matter in person before the learned Tribunal and was not aware about the rigid timelines due to which delay in filing the OA occurred. She, therefore, prays that taking into account the reasons mentioned in the application including the fact that the petitioner was required to attend to his ailing mother, the delay in filing the OA be condoned.

5. Issue notice. Learned counsel for the respondent accepts notice. After some arguments, he does not deny that the period between 16.03.2020 to 28.02.2022 was required to be excluded for the purposes of computing the period of limitation as per the orders of the Apex Court. He also does not deny that the petitioner was pursuing his original application in person before the learned Tribunal.

6. In the light of this stand taken by the respondent and having perused the record, we are of the view that taking into account that the World was reeling under the affect of COVID-19 pandemic for almost three years as also the fact that the petitioner who was pursuing the matter in person before the learned Tribunal and had to attend to his ailing mother, he deserves an opportunity to agitate his claim on merits. The impugned order dismissing the petitioner's application for condonation of delay is, therefore, liable to be set aside and is, accordingly, set aside. Consequently, the petitioner's application seeking condonation of delay in filing the OA is allowed and the OA



is remanded back to the learned Tribunal for adjudication on merits.

7. List before the learned Registrar of the Tribunal on 2nd May 2024 for further proceedings.

8. The writ petition stands disposed of in the aforesaid terms.

REKHA PALLI, J

GIRISH KATHPALIA, J

APRIL 3, 2024/_p