



\$~47

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 01.08.2024

+

W.P.(C) 15541/2023**INDIAN COUNCIL OF MEDICAL RESEARCH & ANR.****.....Petitioners**

Through: Mr. Jasbir Bidhuri and Mr. Shashwat
Sharma, Advocates.

versus**SHRI UDAY KUMAR SINGH & ORS.****.....Respondents**

Through: Mr. Ashok Chakraborty with Mr.
Amarendra Pratap Singh and Ms.
Arpa Chakraborty, for R-1.
Mr. R.V. Sinha with Mr. A.S. Singh,
Mr. S.C. Ojha and Mr. Rajesh
Upadhyay, Advocates for R-2 & R-3.

CORAM:**HON'BLE MR. JUSTICE SURESH KUMAR KAIT****HON'BLE MR. JUSTICE GIRISH KATHPALIA****J U D G M E N T (O R A L)****W.P.(C) 15541/2023 & CM APPL. 62238/2023 (stay)**

1. The present petition has been filed under Articles 226 and 227 of the
Constitution of India seeking the following prayer:

*“a) Issue appropriate writ, order or direction quashing
and setting aside the impugned order dated 25.08.2023
in O.A. No. 2302 of 2022, passed by the Ld. Central
Administrative Tribunal, New Delhi.”*



2. The respondent, before the learned Tribunal by way of filing Original Application (O.A.) No.2302/2022, had sought regularization of services from the date of his initial appointment i.e., 10.06.1999 with the petitioners herein which relief the respondent, stated to, is not entitled to in view of the fact that regularization is not a matter of right and regularisation is a decision falling purely under the administrative domain of employer, and the Courts have limited intervention on this aspect in terms of the settled law.

3. Learned counsel appearing on behalf of petitioners submits that even otherwise any O.A. filed before the Learned Tribunal has to first pass the mandatory maintainability test of the limitation as stipulated under section 21 of The Administrative Tribunals Act, 1985, and an O.A. cannot be heard on merits unless the aspect of limitation has been decided by the Learned Tribunal in compliance of the terms as stipulated under section 21 of The Administrative Tribunals Act, 1985.

4. It is not in dispute that the respondent has not filed the application seeking condonation of delay before the learned Tribunal, however, the respondent seeks regularization in service which, in our considered opinion, is a continuous cause of action, therefore, the judgment relied upon by the petitioners in the cases of **Ramesh Chand Sharma vs Udham Singh Kamal and Others**, (1999) 8 SCC 304 and **Union of India Ministry of Health and Family Welfare and Anr.**, Civil Appeal No(s) 3967/20218 are of no help to the petitioners.

5. Since the O.A. is pending before the learned Tribunal for final



2024:DHC:5709-DB



adjudication on merits, we find no ground in the present petition.

6. Accordingly, the present petition as well as pending applications are dismissed.

(SURESH KUMAR KAIT)
JUDGE

(GIRISH KATHPALIA)
JUDGE

AUGUST 1, 2024/ry