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

+ **LPA 973/2024**

NEMWATI

.....Appellant

Through: Mr. Unnat Parasher, Advocate along
with petitioner in person.

Versus

**GOVT OF NCT THROUGH DIRECTOR & ANR.
& ORS.**

.....Respondents

Through: Mr. Rajesh Kumar Gautam, Mr. Anant
Gautam, Mr. Deepanjal Choudhary
and Mr. Likivi K. Jakhalu, Advocates
for Bank.
Mr. H.L. Tikku, Sr. Advocate with Ms.
Yashmeet Kaur, Mr. Rahul Regmi and
Mr. Hitesh Wadhwa, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE DINESH MEHTA

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER

03.12.2025

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1. The present Letters Patent Appeal has been filed against the impugned order dated 09.08.2024 whereby learned Single Judge has rejected appellant's petition on the ground of gross delay and laches.
2. Learned counsel for the appellant submitted that learned Single Judge has erred in non-suiting the appellant on the ground of delay and laches, ignoring the basic submissions which were advanced by the appellant that it was a continuous wrong on behalf of the respondents and hence, there was no



delay.

3. In order to support his contention, learned counsel submitted that in the year 1994, he was engaged as an *Aya* (maid), however, the appointment order came to be issued on 01.02.1997 vide which she was appointed under Provisions of Industrial Disputes Act 1947, as a worker and not under provisions of Delhi School Education Act and Rules, 1973 (*hereinafter referred as 'DSEAR'*). Learned counsel submitted that since then, the respondents continued such wrong and did not apply Delhi School Education Act, qua the appellant and, did not confer regular pay scale and other benefits for which it is a case of a continuous wrong.

4. Learned counsel for the appellant submitted that he had cited a host of judgments which have not been considered by the learned Single Judge in their true perspective.

5. Heard learned counsel for the appellant and perused the impugned order.

6. According to us, the cause of action accrued to the appellant on 01.02.1997, when she was appointed as an *Aya* (maid) or a worker under the Act of 1947 and not appointed under the provisions of DSEAR. Such grievance which is the cause of action, froze as and when such order was issued. If the appellant had any grievance or grudge, the same was against such order of appointment dated 01.02.1997, and non-payment of regular pay scale is only a consequence which can, in a given case, be treated to be a continuous wrong.

7. We are firmly of the view that so far as the cause of action that has accrued to the appellant is concerned, the same was indisputably 01.02.1997.

8. The appellant got up from her slumber after 27 years and she had



neither taken recourse to legal proceedings nor had she filed even a single representation. Such indolent attitude of the appellant disentitles her from claiming any relief under the extraordinary jurisdiction of this Court, which is otherwise discretionary.

9. The appeal, therefore, fails.

DINESH MEHTA, J.

GIRISH KATHPALIA, J.

DECEMBER 3, 2025/MR