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

Date of decision: 19.09.2025

+ W.P.(C) 14523/2025
DIRECTOR GENERAL NARCOTICS CONTROL BUREAU
AND ANRPetitioners

Through: Mr. Ashish K. Dixit, CGSC
with Mr. Umar Hashmi, Mr.
Mayank Uphadyay, Advs.

versus

SANDEEP KUMARRespondent
Through: Mr. Ankur Chibber, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CAV 362/2025

1. As the learned counsel for the respondent has entered appearance, the caveat stands discharged.

CM APPLs. 59633-34/2025 (Exemptions)

2. Allowed, subject to all just exceptions.

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3. This petition has been filed, challenging the Order dated 21.06.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 1104/2018, titled ***Sandeep Kumar v. Union of India and Anr.***, whereby the O.A. filed by the respondent herein



was allowed with the following direction:

“21. We, therefore, allow the OA and set aside the order dated 20.06.2016 through which the applicant was dismissed from service as well as the order of Appellate Authority dated 21.02.2018. The applicant shall be reinstated into the service forthwith. For the present, we deny him the back wages, but grant him the benefit of continuity of service and other consequential benefits. We leave it open to the DA to examine the case purely from the point of view on the finding on Article II and to pass an order. If it is decided that the punishment is to be imposed, it shall be minor in nature. The exercise in this behalf shall be completed within a period of two months. If the applicant is exonerated completely, the DA also shall indicate the nature of benefits which the applicant shall be extended for the period he was out of service. There shall be no order as to costs.”

4. At the outset, we would note that the present petition has been filed only on 12.06.2025, that is, after a delay of almost four years. In the meantime, in compliance with the directions passed by the learned Tribunal, the Disciplinary Authority, *vide* Order dated 26.08.2022, imposed a penalty of withholding increments for a period of five years upon the respondent. The respondent preferred an appeal against the said order, which was dismissed on 21.01.2025 by the Appellate Authority. The respondent had also filed another O.A., being O.A. No. 1163/2024, challenging the penalty imposed upon him, which was dismissed by the learned Tribunal *vide* Order dated 20.03.2024, while directing the Appellate Authority to expeditiously decide the appeal.

5. The above events clearly show that the petitioners had, in fact,



complied with the Impugned Order and issued subsequent orders in compliance therewith. Much water has also flown after the passing of the impugned order and it shall be totally unfair to the respondent to allow the petitioner to now challenge the impugned order passed by the learned Tribunal, at this belated stage. The principles of delay and laches would squarely debar the petitioner from maintaining this petition.

6. In our view, therefore, the present petition is liable to be dismissed not only on the ground of delay and laches, but also on account of the challenge being an afterthought, raised after due compliance with the Impugned Order.

7. The learned counsel for the petitioners, in an attempt to persuade us to hold the present petition to be maintainable, has placed reliance on the Judgment dated 19.07.2024 passed by the Supreme Court in the SLP (Civil) No. 2681/2024, titled ***The State of Andhra Pradesh & Ors. v. Kopparla Santhi***, wherein the Supreme Court has held as under:

“It is fairly submitted by the learned Senior Counsel for the petitioners that the judgment sought to be challenged in the Writ Appeal was already complied with under threat of contempt.

This Court made it clear that compliance of an order under threat cannot take away the right of a party as available to challenge the same, in law (See the decision of this Court in Subodh Kumar Jaiswal & Ors. v. Union of India & Ors. [(2008) 11 SCC 139]).”

8. The above Judgment is of no assistance to the petitioners. In



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that case, the Judgment Impugned before the Supreme Court had been complied with only under the threat of contempt. The Supreme Court held that compliance of an order under threat cannot take away the right of a party to challenge the same in law.

9. In the present case, however, as is evident from the subsequent events, the petitioners complied with the Impugned Order on their own, and in fact, not once but multiple times through various proceedings taken pursuant to the said implementation, including the order passed by the Appellate Authority of the petitioners.

10. Accordingly, we dismiss the present petition both on the ground of delay and laches as well as on the ground of maintainability.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 19, 2025/ys/k/DG