



2025:DHC:1737-DB



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

Date of decision: 17.03.2025

+ LPA 196/2025, CM APPL. 15357/2025, CM APPL.
15358/2025

DAYA NAND

.....Appellant

Through: Mr. Chirayu Jain & Mr. Geet
Kumar Pahariya, Advs.

versus

GOVT OF NCT OF DELHI AND ANRRespondents

Through: Ms. Avni Singh, GNCTD Panel
Counsel & Ms. Prapti Singh,
Adv.

Ms. Sangeeta Bharti, Standing
Counsel for DJB, R-2 with Ms.
Manya Sharma and Ms. Anju
Shree Nair, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 15357/2025 & CM APPL. 15358/2025

1. The present appeal has been filed by the appellant, challenging the Judgment dated 15.11.2022 passed by the learned Single Judge of this Court in W.P.(C) 4644/2003 titled ***Dayanand v. Govt. of NCT of Delhi & Ors.***, dismissing the writ petition filed by the petitioner in challenge to the Award dated 19.04.2003, passed by the learned Presiding Officer, Labour Court No. II, Karkardoma Court, Delhi, in



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ID No. 347/1998, rejecting the prayer of the appellant for reinstatement in the service of the respondent No. 2 herein.

2. There is a delay of 71 days in filing the present appeal. The only ground urged by the appellant for the same is as under: -

“2. It is submitted that the award and impugned judgment failed to consider the illegality of termination of services of the Appellant and wrongly denied him relief. The Appellant is unemployed ever since his illegal termination of services and he is barely making ends meet. The Appellant lacked the financial resources to impugn the judgment dated 15.11.2022 of the Ld. Single Judge. It is with great difficulty the Appellant has mustered resources to impugn the judgment. It is therefore prayed that delay may kindly be condoned.”

3. While we may have considered condoning the delay in filing the appeal, it is further accompanied by a delay of 738 days in the re-filing of the present appeal. The cause shown by the appellant for the above delay is as under: -

“4. Present Appeal was first filed on 27.02.2023 vide Diary No. 346423/2023. There were certain objections raised by the Registry of this Hon'ble Court which has taken considerable time for the Appellant to rectify. This has led to inadvertent delay in refiling of the present case due to the Appellant having faced issues in coordinating with his legal counsel's office and understanding the objections raised. Due to these issues in communicating, inadvertent delay has been caused.

5. Furthermore, post-filing of the present Appeal, it was realised that it would be highly necessary for expeditious adjudication of the present case that the 'Lower Court Record' is annexed with the present Appeal. Procuring the



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proper record and annexing the same alongwith the present Appeal also took some inadvertent time. The same has caused an inadvertent delay of days in re-filing of the accompanying Appeal.

6. In this light, given the fact that the impugned judgment was rendered 19 years after the Award was passed by the Id. Labour Court, the delay period in re-filing of the present Appeal is not significant. The Appellant in the present case was working as a mere driver when he was terminated. His means of living are limited and he finds it very difficult to sustain himself. There are bonafides grounds raised in the present Appeal as to why the impugned judgment ought not to be sustained in law.”

4. We do not find the above to be a sufficient cause being shown for the condonation of a huge delay in re-filing of the present appeal. In the present case, the appellant had been removed from service in the year 1993. The Impugned Judgment is dated 15.11.2022. The only explanation given for the huge delay in re-filing of the appeal is that the “Lower Court Record” needed to be annexed and it took time to clear the defects in filing pointed out by the registry. The same cannot justify a delay of more than 2 years.

5. A litigant must be vigilant about his remedies and cannot avail of the same at his own free will and fancies.

6. Though we are generally very liberal in condoning the delay in re-filing of the appeal, however, in the present case given the huge delay that has been made, we do not exercise our indulgence in favour of the appellant.



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7. The applications are dismissed. Consequently, the appeal is dismissed due to the delay in filing and refiling of the appeal.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MARCH 17, 2025/Pr/DG

Click here to check corrigendum, if any