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

+ LPA 438/2026 & CM APPLs. 38248/2026, 38250-51/2026

N.S. GAKHAR

.....Appellant

Through: Ms. Pragya Choudhary, Adv. with
Mr.Nikhil Anand, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Ms.Radhika Bishwajit Dubey, CGSC
with Ms.Gurleen Kaur Waraich,
Mr.Kritarth Upadhyay and
Mr.Amulya Dev Mishra, Advs. for
UOI.
Ms.Diya Kapoor, Sr.Adv. with
Mr.Nakul Gandhi, Mr.Gurdeep Singh,
Ms.Siddhi Sahoo, Mr.Raghav Kumar
and Mr. N.Amrit Dash, Advs.for R-3
to R-4.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

% **29.05.2026**

CM APPL. 38249/2026 (for exemption)

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

CM APPL. 38247/2026 (for delay in filing the appeal)

3. Heard the learned counsel for the parties.
4. This is an application moved on behalf of the appellant seeking condonation of delay of 44 days in filing the appeal.



5. Having heard the learned counsel for the parties and the cause shown in the application, the same is allowed. The delay of 44 days in filing the appeal is hereby condoned.

6. The application stands disposed of.

LPA 438/2026 & CM APPLs. 38248/2026, 38250-51/2026

7. Heard the learned counsel for the parties.

8. This *intra-court* appeal seeks to take exception of an order dated 12.03.2026 passed by learned Single Judge, whereby W.P.(C) 3031/2025 instituted by the appellant has been dismissed on the ground that in respect of any dispute relating to membership of the Executive Committee of the respondent no. 3, is not maintainable.

9. The writ petition by the appellant was instituted with the following prayers:

“a) Pass an appropriate writ, order or direction, setting aside and quashing the Office Order dated 07.10.2024, issued on the letterhead of the Central Secretariat Club under the signatures of Mr. Rakesh Gupta (General Secretary, now suspended);

b) Pass an appropriate writ, order or direction, against Central Secretariat Club to restore the membership of the Petitioner of the Executive Committee of the Central Secretariat Club;

c) Pass an appropriate writ, order or direction, against Central Secretariat Club to restore the membership of the Petitioner of the Central Secretariat Club; and/ or

d) Pass any other appropriate writ, order or direction, as this Hon'ble Court may deem fit, in the interest of justice.”

10. From a bare perusal of the prayer clause of the writ petition, what we find is that the appellant was seeking quashing of an Office Order dated 07.10.2024 under the signature of General Secretary, whereby the appellant was removed from the Office of President of respondent no. 3, which is a purely private organization. The other prayer made in the writ petition is to



issue a direction for restoring the membership of the appellant to the Executive Committee of the Central Secretariat Club/respondent no.4.

11. The Central Secretariat Club, as observed above, is purely a private organization, it does not perform any public function and therefore it is not only that it is not a State within the meaning of Article 12 of the Constitution of India but also that it will not be amenable to writ jurisdiction of this Court under Article 226 of the Constitution of India for the reason that it does not perform any public function.

12. Accordingly, we are in complete agreement with the impugned order dated 12.03.2026 passed by learned Single Judge.

13. The appeal is, thus, dismissed along with pending applications.

14. It is needless to observe that the appellant shall be at liberty, as observed by learned Single Judge in the order dated 12.03.2026, to take appropriate recourse to any other remedy which may be available to him under law.

DEVENDRA KUMAR UPADHYAYA, CJ

TEJAS KARIA, J

MAY 29, 2026

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