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

+ **W.P.(C) 244/2022**

CONSTABLE PREM KUMAR

.....Petitioner

Through: **Ms. Archana Ramesh and Ms.
Sonu Sharma, Advs.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Farman Ali, Ms. Laavanya
Kaushik and Ms. Khyaati
Bansal, Advs.**

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

24.02.2026

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1. Through the present writ petition, *inter alia*, the Petitioner has challenged the order dated 06.03.2020 (hereafter '**impugned order**'), passed in O.A. 1822/2017, whereby the learned Central Administrative Tribunal, Principal Bench dismissed the application for condonation of delay as well as the said Original Application.

2. The admitted facts of the present case are as follows:

2.1. The Petitioner got enrolled as a Constable in Delhi Police on 01.11.1968 and he was promoted to the rank of officiating Head Constable in 1974. Owing to his unauthorised absence from duty for a period of 16 days in 1979, by order dated 21.04.1980, the Petitioner was punished with temporary forfeiture of three years of approved service, entailing reduction of his pay as well. After the Petitioner was unable to furnish a satisfactory reply to the Show Cause Notice in relation to his punishment, the said proposed action was confirmed on



28.07.1983. The challenges against the same were rejected.

2.2. Subsequently, in 1989, FIR No. 27/1989 was registered against the Petitioner at Police Station Gokal Puri for offences under the Indian Penal Code, 1860, due to which, the Petitioner was placed under suspension. The Petitioner was also found guilty in the regular departmental enquiry, and he was removed from service on 04.10.1993. Departmental appeal against the same was rejected.

2.3. After being convicted by the Trial Court in the year 2008 in the FIR, the Petitioner was subsequently acquitted by the Sessions Court in 2009. The acquittal was upheld by this Court on 17.08.2010.

2.4. Pursuant to his acquittal, a legal notice was sent by the Petitioner for grant of pension as well as promotion on 07.11.2009. Another similar legal notice was sent on 21.09.2010.

2.5. The Petitioner also filed an Original Application bearing no. 390/2010, whereunder, by order dated 18.03.2011, the learned Tribunal quashed the Petitioner's punishment of removal from service and reinstated him in service from date of removal. The Tribunal directed that the suspension period as well as the intervening period till 31.05.2006 (date of superannuation) will be treated as period spent on duty and directed grant of pensionary benefits to the Petitioner. Contempt was filed due to non-compliance, and the Tribunal by order dated 04.04.2011 directed release of all pensionary benefits.

2.6. After the said benefits were granted to the Petitioner, he had also moved an application for notional promotion. The same was rejected by the Respondents *vide* order dated 11.07.2011.

2.7. The Petitioner filed a Writ Petition in the year 2013 seeking compensation for harassment, but the same was dismissed in default for non-prosecution on 27.04.2016.



2.8. Thereafter, the subject O.A., that is, O.A. 1822/2017, was filed. In the said O.A., the Petitioner essentially sought promotion to the rank of Head Constable on 21.04.1983 followed by promotion to the rank of Assistant Sub Inspector in 1987, to the rank of Sub Inspector in 1988 and to the rank of Inspector in 1999.

2.9. By the impugned order, the learned Tribunal dismissed the application for condonation of delay as being devoid of merits. Consequently, the Original Application was dismissed as being hopelessly barred by limitation.

3. Arguments have been addressed by the learned counsel representing the Petitioner extensively in relation to the merits of the case. It is argued that the Petitioner was entitled to promotions since the year 1983 after lapse of his punishment of three years.

4. It is further submitted that the Petitioner ought to have been further promoted at par with his batch mates. It is vehemently stressed that the Petitioner has been unduly prejudiced due to denial of his rightful notional promotions and the learned Tribunal has erred in not appreciating the glaring facts of the present case.

5. On the other hand, it is contested on behalf of the Respondents that the learned Tribunal has rightly dismissed the Original Application as being hopelessly barred by time. It is argued that there is a delay of 34 years in approaching the learned Tribunal as the Petitioner is seeking promotion with effect from the year 1983. It is submitted that no relief can be granted in respect of a dead claim.

6. We have heard the counsel and perused the record.

7. At the outset, it is imperative to note that the learned Tribunal has proceeded to dismiss the Original Application solely on account of the inordinate delay in preferring the application. It has been observed



in the impugned order that even the Petitioner is admitting to a delay of more than four years and eight months (calculated from the communication of order passed in Contempt Petition in O.A. No. 390/2010) and *no explanation* has been tendered for the same. It has been rightly observed that a person cannot be allowed to sleep over their rights and no claim can be entertained in absence of any cogent reasons for delay.

8. Even before this Court, on being pointedly asked, no explanation has been tendered for the delay caused in approaching the learned Tribunal. Although much emphasis is sought to be laid on the merits of the case, it is well-settled that delay cannot be condoned on the strength of the merits of the main matter if there is no cogent explanation for the delay. The present case is not one where insufficient reason is given for delay, but rather, no explanation has been given at all.

9. There is also some merit in the contention of the Respondents that delay in the present case can be traced back to the year 1983, from when the Petitioner is seeking notional promotions. Pertinently, the Petitioner only came to be removed from service in the year 1993. There is no explanation as to why he did avail his legal remedies in the intervening period between the year 1983 and the year 1993 either. The Petitioner was at liberty to seek notional promotion for the said period even while he stood removed from service as a pending criminal case could have had no bearing on his promotion, which even as per the Petitioner, was supposed to take effect much prior to the registration of FIR. Despite the same, he only filed the Original Application after a delay of over four years eight months.

10. Although the Petitioner had sought promotions and other



benefits in his legal notices, the record indicates that the claim for notional promotion was not agitated by the Petitioner in his previous writ before this Court, where he only sought compensation, and neither in O.A. 390/2010. It appears that the Petitioner is trying to belatedly agitate his claim for promotion at this juncture. If such stale claims are entertained belatedly, the same would lead to opening of a pandora's box and prevent disputes from attaining finality.

11. The learned Tribunal has rightly appreciated the *dictum* in the case of ***D.C.S. Negi v. Union of India and others : SLP (C) No. 7965/2011***, where the Hon'ble Apex Court had opined that the Tribunal cannot admit an application unless the same is made within the time specified under the Administrative Tribunals Act, 1985.

12. In the case of ***Union of India v. Tarsem Singh : (2008) 8 SCC 648***, the Hon'ble Apex Court had observed that belated service claims ought to be normally rejected on account of delay. Although it was noted that an exception to the same would be cases where the litigant is ailed by a continuing wrong, it was also specifically observed that in a case relating to seniority or promotion, delay would render the claim as stale and doctrine of laches and delay will be applied.

13. In the case of ***State of Uttaranchal and another v. Sri Shiv Charan Singh Bhandari and others : Civil Appeal Nos. 7328-7329 of 2013***, the Hon'ble Apex Court was dealing with challenge to grant of notional promotional benefits after significant delay in parity with a junior of the concerned employees. It was noted that where the employees chose to sleep over their rights, they are bound to suffer. It was further held that a stale claim in relation to promotional benefits ought not to be entertained and the affect of the same on State exchequer requires consideration.



14. There is no dispute in the present case that there is significant delay in preferring of the application before the Tribunal. In such circumstances, when the claim of the Petitioner is plagued by unreasoned and unexplainable delay, this Court finds no reason to interfere with the impugned order and grant notional promotions along with consequential benefits to the Petitioner.

15. The present petition is dismissed in the aforesaid terms.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 24, 2026/sp