



\$~3

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

Date of Decision: 05.02.2026

+ **LPA 785/2025 & CM APPL. 80996/2025**

RAFEEQUE AHMED

.....Appellant

Through: Mr. Jawahar Raja, Ms. Meghna De,
Mr. Siddharth Sapra & Mr. Nitari
Hinduja, Advocates.

Versus

DIRECTORATE OF HEALTH SERVICES GNCTDRespondent

Through: Ms. Avnish Ahlawat- SC (GNCTD)
along with Mr. N K Singh, Ms. Aliza
Alam & Mr. Mohnish Sehrawat,
Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (ORAL)

1. The present Appeal has been filed by the Appellant challenging the Judgment / order dated 06.03.2013 (“**Impugned Order**”) passed by the learned Single Judge in W.P.(C) No.247/2011 whereby the Award dated 19.05.2010 (“**Award**”) passed by the learned Labour Court, Karkardooma Courts, Delhi in I.D. No.1217/2006 in favour of 13 workmen, including the Appellant herein, was set aside.

2. The learned Single Judge held that the termination of the Appellant was covered under Section 2(oo)(bb) of the Industrial Disputes Act, 1947 (“**ID Act**”) and consequently W.P.(C) No.247/2011 was dismissed while directing the payment of ₹25,000/- under Section 17B of the ID Act.

LPA 785/2025

Page 1 of 6



3. The Impugned Order was challenged by 12 co-workers of the Appellant by filing two separate appeals, being LPA No.79/2014 and LPA No.731/2014. Both these appeals were allowed by the Coordinate Bench of this Court vide a common judgment dated 22.10.2019 restoring the Award in favour of all twelve workmen. The Respondent, thereafter preferred Special Leave Petitions (“SLPs”) against the said judgment, which were dismissed on 05.10.2021 thereby giving finality to the Award.

4. It is submitted on behalf of the Appellant that the Appellant stands on identical footing with his co-workers and since all workmen were party to the same reference before the learned Labour Court and beneficiaries of the same Award, the Appellant is the only workman who has not yet receive the benefit of the Award and denied the same.

5. The Appellant has submitted that the Appellant is a poor workman belonging to the lowest economic strata and has remained unemployed since the date of his illegal termination. Accordingly, in view of the finality of the Judgment 22.10.2019 passed by the Coordinate Bench of this Court in favour of the other identically placed workmen, the Appellant is entitled to the restoration of the Award on the principal of parity. Therefore, the Appellant has preferred the present Appeal along with the Application, being CM No.80996/2025, for condonation of delay of 4624 days in filing the present Appeal.

6. The Appellant has submitted that the present Appeal could not be filed within the limitation period due to the circumstances wholly beyond the control of the Appellant. On account of acute poverty, the Appellant was incapable of availing legal assistance for initiating the appellate



proceedings and he has been able to muster resources now to challenge the Impugned Order with a great difficulty.

7. The Appellant has submitted that during the intervening period, the Appellant was overburdened with several and continuous medical crisis within his family, which further depleted his already meagre financial resources and made it impossible for him to pursue the remedy of filing appeal within the period of limitation. The Appellant was responsible for taking care of his old age parents both of whom are nearly 80 years of age and have been suffering from various ailments. It was submitted that the Appellant's father underwent a heart operation approximately six months ago and Appellant's wife has been suffering from epilepsy and was required ongoing medical supervision.

8. The Appellant's elder son suffered from epilepsy during the year 2013 to 2017 and his younger son underwent an appendix surgery in 2020. In view of the same, the Appellant had no means to obtain legal representation to file the appeal against the Impugned Order at the relevant time.

9. The Appellant has submitted that the delay in approaching the Court is neither deliberate or intentional, and, therefore, in the interest of justice, equity and parity the delay of 4624 days in filing the Appeal may be condoned.

10. We have heard the learned Counsel for the Appellant and carefully considered the reasons cited for the delay in filing the present Appeal. From the perusal of the Memo of Appeal as well as the application for condonation of delay, it is apparent that the Appellant was aware about the proceedings in appeals before this Court and by way of SLPs before the



Supreme Court. The only reason given by the Appellant for not being able to approach this Court by filing an appeal was the financial constraints and the medical reasons due to ill health of his family members.

11. The averments made in the Application for condonation of delay do not sufficiently explain the delay of 4624 days in approaching this Court. It makes bald averments with regard to certain ailments faced by the family members of the Appellant.

12. The copy of the medical reports of the family members of the Appellant sought to be relied upon by the Appellant are of January and March, 2010 showing the medical treatment of Appellant's son, which was prior to the passing of the Award on 19.05.2010. The Appellant was Respondent in the Writ Petition filed by the Respondent in the year 2011 and, therefore, was well aware of the Impugned Order passed on 06.03.2013. After 2013, the medical records relied upon by the Appellant only show the treatment of his wife between 2015 and 2017. The documents regarding the treatment of the Appellant's father are of May, 2025 and do not justify the delay in filing the present appeal since 2013. Accordingly, the documentary evidence annexed with this Appeal in support of the averments made for seeking condonation of delay in filing the present Appeal is not sufficient to explain the delay.

13. The Supreme Court in ***Union of India & Anr. v. Jahangir Byramji Jeejeebhoy (D) through his LR, Neutral Citation No.2024 INSC 262*** has held as under:



“26. The length of the delay is a relevant matter which the court must take into consideration while considering whether the delay should be condoned or not. From the tenor of the approach of the appellants, it appears that they want to fix their own period of limitation for instituting the proceedings for which law has prescribed a period of limitation. Once it is held that a party has lost his right to have the matter considered on merits because of his own inaction for a long, it cannot be presumed to be non-deliberate delay and in such circumstances of the case, he cannot be heard to plead that the substantial justice deserves to be preferred as against the technical considerations. While considering the plea for condonation of delay, the court must not start with the merits of the main matter. The court owes a duty to first ascertain the bona fides of the explanation offered by the party seeking condonation. It is only if the sufficient cause assigned by the litigant and the opposition of the other side is equally balanced that the court may bring into aid the merits of the matter for the purpose of condoning the delay.

27. We are of the view that the question of limitation is not merely a technical consideration. The rules of limitation are based on the principles of sound public policy and principles of equity. We should not keep the ‘Sword of Damocles’ hanging over the head of the respondent for indefinite period of time to be determined at the whims and fancies of the appellants.”

14. Accordingly, the Appellant has not been able to sufficiently explain the delay in filing the present appeal. It appears that Appellant was awaiting the outcome of the appeals filed by the other twelve co-workers and the SLPs filed by the Respondent before approaching this Court.

15. It is trite law that for condoning the delay, which is considerable in this case, the Appellant has to explain the delay of each day for not being able to approach this Court within the prescribed time. However, the Appellant has failed to discharge that obligation. Accordingly, this is not a fit case for condoning the delay of 4624 days in filing the appeal.



2026:DHC:1270-DB



16. Accordingly, the Application, being CM No.80996/2025, seeking condonation of delay of 4624 days in filing the present appeal is hereby dismissed. Consequently, the Appeal also stands dismissed on the ground of delay.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

FEBRUARY 5, 2026
'gsr'