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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 902/2026

MD NASIMUDDIN ANSARI

.....Petitioner

Through: Mr. Tapas Das, Adv.

Versus

UNION OF INDIA AND ORS.

.....Respondent

Through: Dr. B Ramaswamy CGSC

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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22.01.2026

1. This petition has been filed by the petitioner with the following prayers:

“In view of the aforesaid facts and circumstances and in the interest of justice, it is therefore most humbly prayed that this Hon'ble Court may be pleased to:-

(a) Issue writ, order or direction in the nature of Mandamus or any other writ, order or direction for setting aside the memorandum No. BRDB/02/211/GE-II dated 8th May, 2008 and Order No. F.No.BRDB/02 (211)/2008-GE-II dated 08.12.2009 imposing the penalty of recovery of 20% of loss amount of Rs.19,83,468.49 amounting to Rs.3,96,694/- from the salary of Shri MN Ansari, AEE (E&M) (Go No.2114K) now EE (E&M) under Rule 15(3) of CCS (CCA) Rules, 1965 and finding of the illegal, perverse and biased recommendation of the Court of Inquiry which culminated into Order No.F. No. BRDB (02) (211)/2008-GE-II dated 21.11.2007 imposing penal recovery of 2.5% of the total loss



amounting Rs.49,587/- from the petitioner and credited in the account of Controller Of Defence Accounts, Border Roads vide MRO Control No.553 dated 25.03.2021 and MRO control no. 551 dated 18.03.2021.

(a) Award compensation to the tune of Rs.50 Lakhs for causing humiliation, harassment and mental agony to the Petitioner;

(b) Award litigation cost in favour of the Petitioner from the Office of the Respondents herein; ...”

2. In substance, the petitioner is challenging the memorandum dated 08.05.2008 and order dated 08.12.2009, whereby penalty of recovery of 20% of loss of amount of Rs.19,83,468.49 amounting to Rs. Rs.3,96,694/- from the salary of the petitioner was imposed.

3. We find that the challenge is also to an order dated 21.11.2004 imposing penal recovery of 2.5% of the total loss amounting to Rs. 49,587/- from the petitioner.

4. According to Mr. Tapas Das, learned counsel for the petitioner that since the petitioner has deposited the aforesaid two amounts only in the year 2021, the cause of action has arisen in that year.

5. We are unable to agree with the said submission of Mr. Tapas Das for the simple reason the aforesaid amounts deposited by the petitioner are pursuant to the orders passed in the years 2007/2009.

6. Hence, the cause of action for the petitioner to approach a court had arisen in 2007/2009 or immediately thereafter.

7. In the absence of any explanation for the delay and laches in filing the petition, this Court shall not entertain the present petition.

8. In fact we note the petitioner had approached this court in the years 2016 and 2018, though for a different cause of action and as such, it is not a case where the petitioner could not have agitated his grievances on the



passing of the orders in the years 2007/2009.

9. Accordingly, the petition is dismissed on the ground of delay and latches.

10. No order as to cost.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 22, 2026

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