



2026:DHC:7498-DB



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

CNR No. DLHC010411922026

+ **W.P.(C) 12724/2026 and CM APPLs.59087-89/2026**

UNION OF INDIA & ANR.

.....Petitioners

Through: **Mr. Kshitij Chhabra, Sr. Panel
Counsel**

versus

RATNESH KUMAR MISHRA & ORS.

.....Respondent

Through: **Mr. Vivek Sinha and Mr. Vivek
Malik, Advocates**

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **02.09.2026**

C. HARI SHANKAR, J.

1. This writ petition is directed against an order dated 14 September 2023 passed by the Central Administrative Tribunal¹ in OA 1562/2020. There is no whisper of any averment in the writ petition explaining why the petitioner has approached this Court three years after the order has been passed. Apparently, when the respondent initiated contempt proceedings in 2025, the petitioner suddenly woke up and decided to approach this Court. Even after 2025, nearly a year has elapsed before this Court has been moved by the present writ petition.

¹ "the Tribunal", hereinafter



2. The Supreme Court has, in *Mrinmoy Maity v. Chhanda Koley*² clearly held that while exercising jurisdiction under Article 226 of the Constitution of India, the Court has to be mindful of delay and laches, thus :

“9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that the writ petitioner ought to have been non-suited or in other words the writ petition ought to have been dismissed on the ground of delay and laches itself. An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be borne in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India. In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.”

3. In the absence of any explanation for delay and laches, we would not be inclined to entertain this writ petition.

4. Mr Kshitij Chhabra submits that the delay stands explained by paras 2(xvi), (xvii) and (xviii) of the present writ petition which, therefore, we may reproduce thus:

“xvi. That the DoPT on the other hand, advised the Petitioner department to take up the matter with the Department of Expenditure for revival of deemed to be abolished posts of Assistant Director (L) before referring the file to DoPT for further advice in the matter. Since, the post of Asst. Director (L) was filled on ad-hoc basis and regularised by the DoPT, the matter was once again sent for advice of DoPT.

xvii. In the meanwhile, the Respondents initiated contempt proceedings vide CP No. 312/2025 for the reliefs which were not prayed for in OA.

The reliefs sought in CP No. 312/2025 are reproduced as under: -



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PRAYER

In the view of aforesaid facts and circumstances it is most humbly prayed that this Hon'ble Tribunal may be pleased to:

1 Initiate Contempt Proceedings against the Respondents for willful disobedience of order dt. 14.09.2023 in O.A. No. 1562/2020.

2 To compel the Respondents to implement the order dated 14.09.2023 passed by Hon'ble Tribunal in OA No. 1562/2020

3 To compel the Respondents to cancel the revised recruitment rules 2020 as published in official gazette on 22.02.2020 in totality and to scrap the promotion list as published in gazette on 07/12/2020.

4 Pass any other further/orders as this Hon'ble Tribunal may deem fit and proper in facts and circumstances of the present case and the interest of justice. Equity."

True copy of CP No. 312/2025 is annexed herewith and marked as ANNEXURE-P9.

xviii. That the under the garb of contempt proceedings, the Respondents are making insincere efforts to compel the Petitioners to comply with the prayers of the OA which was not allowed by the Ld. Tribunal. Vide contempt petition, the Respondents have now gone beyond the scope of reliefs as prayed for in the OA.

True copy of order sheets passed is CP No. 312/2025 is annexed herewith and marked as ANNEXURE-P10."

5. We do not understand how these paragraphs explain the delay in filing the present writ petition. They deal with interactions with the DOPT after the order was passed. They cannot, therefore, constitute any ground for explaining the delay in moving this Court. Moreover, even the interaction with the DOPT was in February 2024 which is two and half years before the present writ petition was filed before this Court.



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6. In fact, para 2(xvii) is revealing. The real reason for the petitioner coming to this Court at this belated stage appears to be initiation of contempt proceedings by the respondent. Article 226 is not meant to be a sanctuary against contempt. We reiterate, therefore, that there is no explanation for the delay in approaching the Court, to be found in the writ petition.

7. In order to be fair to the petitioner, we suggested to learned counsel that he could withdraw this writ petition and re-file the writ petition with a proper explanation for the delay. He is not agreeable to the suggestion. He instead submits that we may grant liberty to him to approach the Tribunal by way of a Review Petition.

8. Grant of any such liberty would require us to assume jurisdiction in this matter. In the absence of any explanation for the delay in institution of this writ petition, and as Mr. Chhabra refuses to refile the writ petition with a proper explanation for the delay, we cannot do so.

9. This writ petition is therefore dismissed *in limine* on the ground of delay without entering into merits.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 2, 2026/yg

Signature Not Verified

Digitally Signed By: AWP.(C) 12724/2026

KUMAR

Signing Date: 07.09.2026

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