



2026:DHC:1486-DB



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

Judgment reserved on: 13.02.2026

Judgment pronounced on: 20.02.2026

Judgment uploaded on: 20.02.2026

+ W.P.(C) 2061/2026, CM APPL. 10051/2026 & CM APPL. 10052/2026

JAGDISH PRASAD JAISWAL & ORS.Petitioners

Through: Mr. Anirban Bhattacharya, Mr.
Rajjev Chaudhary & Mr.
Abhishek Kumar Jaiswal Advs.

versus

UNION OF INDIA THROUGH & ORS.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.:

1. The present Writ Petition under Article 226 of the Constitution of India has been instituted assailing the Order dated 06.02.2019 [hereinafter referred to as 'Impugned Order'] passed by the Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as 'Tribunal'] in O.A. No. 1313/2016, whereby the Original Application preferred by the Petitioners, seeking retrospective regularization and seniority, came to be dismissed. The Petitioners also question the order dated 17.07.2023 passed in Review Application No. 98/2021 in the said Original Application, which was dismissed as withdrawn.



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2. The Tribunal, by the Impugned Order, rejected the Original Application insofar as it related to seniority and retrospective regularisation on the ground that the claim was highly belated and barred by limitation. The Tribunal further recorded that the applicants stood regularised with effect from 30.01.2004 and that no surviving cause for grant of further relief was made out.

3. The present Writ Petition has been filed in the year 2026. The challenge to the Impugned Order dated 06.02.2019 is thus after a lapse of approximately seven years. Even if the date of dismissal of the Review Application is taken into account, the Writ Petition has been instituted after a delay of nearly three years.

4. Learned counsel for the Petitioners sought to explain the delay by submitting that the Petitioners were unaware of the dismissal of the Original Application, that there were certain difficulties with their erstwhile counsel, and that the intervening period of the COVID-19 pandemic contributed to the delay. No material has been placed on record in support of these assertions.

5. The record reflects that the Original Application stood dismissed in the year 2019, and the Petitioners allowed the said order to attain finality. The Review Application, which was subsequently filed in 2021, came to be dismissed as withdrawn on 17.07.2023. The said order in the Review Application of the Petitioners does not contain any adjudication on merits and, therefore, the doctrine of merger has no application in the Present case.

6. The Writ Petition, therefore, seeks to reopen issues which had



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attained finality years ago. No satisfactory or cogent explanation has been furnished for such prolonged inaction. The plea that the Petitioners were unaware of the dismissal of their own Original Application is unsupported by any contemporaneous material and cannot be accepted in proceedings under Article 226 of the Constitution of India.

7. The reliance placed by the Petitioners on the decision of the Supreme Court in *M.L. Patil v. State of Goa*¹, urging that the principle that pension constitutes a continuing cause of action, for advancing their cause is misconceived. In the said decision, the entitlement to be treated as continuing in service up to the correct age of superannuation had been judicially determined, and the issue before the Court was confined to the grant of consequential pensionary benefits. In the present case, the foundational claim for retrospective regularisation from an anterior date was rejected by the Tribunal on the ground of delay and has remained unassailed for years. The Petitioners cannot, by seeking consequential pensionary relief, revive a primary claim which is itself barred by laches.

8. The challenge to the date of regularisation, raised after an inordinate lapse of time, is *ex facie* barred by delay and laches. Having accepted their regularisation effective from 2004, before approaching the Tribunal in 2016, the Petitioners have by their conduct acquiesced to the status assigned to them. The attempt to characterise the claim as a recurring cause by the Petitioners on the basis of pensionary consequences is misconceived. Pensionary entitlement in the present

¹ 2022 INSC 622



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case is not an independent right but is wholly dependent upon the acceptance of the primary claim for retrospective regularisation. Once the foundational claim is barred by delay, the consequential relief cannot be invoked to resurrect a stale cause.

9. In exercise of its jurisdiction under Articles 226/227 of the Constitution of India, this Court does not sit in appeal over findings of fact recorded by the Tribunal. No jurisdictional error, perversity, or manifest illegality in the approach adopted by the Tribunal has been demonstrated. The Tribunal has recorded that the Petitioners stood regularised with effect from 30.01.2004, and the claim for grant of seniority and regularisation from 08.02.1988, raised decades after the relevant events, was rightly held to be belated. The Writ jurisdiction being discretionary and equitable in nature cannot be invoked to revive stale and time-barred claims.

10. In view of the foregoing discussion, there is no ground to interfere with the Impugned Order passed by the Tribunal.

11. Accordingly, the present Petition, along with pending applications, stands dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 20, 2026

s.godara/ad