



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

% Reserved on : 10.07.2026
Pronounced on : 24.07.2026
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+ **FAO 535/2016 & CM APPL. 42809/2016 & CM APPL. 42810/2016**

THE COMMANDANT 510 ARMY BASE WORKSHOP & ANR.

.....Appellants

Through: Mr. R.V. Sinha, Mr. A.S. Singh, and
Mr. S. Sharma, Advocates.

versus

SUDARSHAN PAREEK

.....Respondent

Through: Mr. H.L. Tikku, Senior Advocate with
Ms. Yashmeet, Mr. Rahul Regmi,
and
Mr. Hitesh Wadhwa, Advocates.

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

JUDGMENT

1. The present appeal has been filed against the order dated 31.05.2013 passed by the learned Employees Compensation Commissioner in Case No. WCA/12/NDD/2012/SW-5092-94. *Vide* the impugned order, the claim application preferred by the respondent came to be allowed and he was held entitled to receive compensation of Rs.5,23,586/- from appellant no. 1 along with interest @ 12% per annum w.e.f. 12.01.2011 till realisation thereof.
2. Briefly stated, the respondent had been working with appellant no. 1 since 20.10.2009. During the course of his employment, he was nominated to attend an advance professional training programme on quasi-judicial



functions at the Judicial Academy, *Chandigarh* from 13.12.2010 to 18.12.2010. Pursuant thereto, he proceeded from *Meerut Cantt.* to *Chandigarh* on 12.12.2010 after obtaining the requisite permission. While *en route*, he met with a road accident and sustained multiple injuries. He was eventually assessed by a Medical Board to be suffering from 85% permanent disability. Since his claim for compensation was not accepted, he instituted the underlying proceedings under Section 22 of the Employees' Compensation Act, 1923 (hereinafter the "Act"), which culminated in the passing of the impugned order.

3. At the outset, it is pertinent to note that the present appeal has been preferred after a delay of 1,241 days beyond the prescribed period of limitation. In the captioned application seeking condonation of delay under Section 5 of the Limitation Act, 1963, the appellants have simply stated that after receiving a copy of the impugned order, the matter was forwarded to the higher authorities to obtain approval to challenge the same, and that once such approval was granted, counsel was engaged and the requisite amount was deposited with the learned Commissioner under the Act before filing the appeal. Beyond narrating the movement of the file through various governmental offices, no explanation has been furnished for the prolonged and inordinate delay in filing the present appeal.

4. In the rejoinder filed to the respondent's reply, the appellants have made a vain attempt to supplement the aforesaid explanation by furnishing certain additional dates pertaining to internal correspondence, sanction accorded by the Ministry of Defence, vetting by the Legal Adviser, and subsequent transmission of papers to the Government Counsel. However, even these subsequent particulars merely describe the movement of the file and do not explain why the statutory period of limitation was permitted to



lapse in the first place or why the appeal remained unfiled for more than 3 years thereafter.

5. The Supreme Court has repeatedly held that the Government does not enjoy a separate or preferential standard while seeking condonation of delay. In Postmaster General & Ors. Vs. Living Media India Ltd. & Anr.¹, it was held that condonation of delay is an exception and should not be treated as an anticipated benefit for Government departments. The Supreme Court also held therein that the law of limitation undoubtedly binds everybody, including the Government. Similarly, in State of Madhya Pradesh & Ors. Vs. Bherulal², the Supreme Court deprecated the practice of Government departments attributing delay to bureaucratic procedures and movement of files, holding that such explanations cannot be accepted as a matter of course and that the law of limitation binds the State equally.

6. On the touchstone of the aforesaid, this Court finds that the appellants have failed to disclose sufficient cause warranting condonation of the substantial delay of 1,241 days. The explanation offered neither shows diligence nor adequately explains the prolonged inaction over a period of more than 3 ½ years. Consequently, the application seeking condonation of delay is dismissed. As a necessary *sequitur*, the present appeal is liable to be dismissed as being barred by limitation.

7. Even otherwise, this Court finds no merit in the contentions raised on behalf of the appellants. The contention that the respondent had already been receiving benefits on account of 65% disability and was, therefore, not entitled to compensation based on 85% disability is wholly misconceived. The respondent was already suffering from 65% disability much prior to the

¹ (2012) 3 SCC 563

² (2020) 10 SCC 654



accident in question and was receiving benefits on that basis. The Medical Board, after examining the respondent with reference to the accident dated 12.12.2010, assessed him as suffering from 85% permanent disability. Merely the fact that the respondent was suffering from a pre-existing disability cannot, by itself, disentitle him from claiming compensation under the Act in respect of injuries sustained in a subsequent accident. The Act does not contemplate the denial of compensation merely because the employee had a pre-existing disability.

8. The contention that the impugned award has been rendered without jurisdiction merely because it was pronounced by the learned Commissioner after his transfer from *New Delhi* District to *South West* District is equally devoid of merit. Section 21 of the Act expressly contemplates the transfer of proceedings from one Commissioner to another and, apart from raising a bald plea, the appellants have not placed on record any material to show that the prescribed procedure was not complied with.

9. Considering all the above, the application for condonation of delay as well as the present appeal are dismissed.

10. The entire award amount deposited with the learned Commissioner in respect of the present case, along with the interest accrued thereon, be released to the respondent. The appellants shall pay the remaining interest amount payable to the respondent within a period of 4 weeks from today.

11. The present appeal, along with the pending applications, is disposed of in the above terms.

(MANOJ KUMAR OHRI)
JUDGE

JULY 24, 2026
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