

Staff Selection Commission & Anr. vs Gaurav Kumar on 2 April, 2025

Author: Navin Chawla

Bench: Navin Chawla

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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 02.04.2025

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W.P.(C) 4104/2025

STAFF SELECTION COMMISSION & ANR.Petitioners

Through: Mr. Shashank Dixit, CGSC

versus

GAURAV KUMAR

Through: Ms. Esha Mazumdar, Adv.R

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 19212/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 4104/2025 & CM APPL. 19064/2025, CM APPL. 19065/2025

2. This petition has been filed by the petitioner, challenging the Order dated 09.08.2024 passed by the learned Central Administrative Tribunal (PB), New Delhi (hereinafter referred to as the learned, "Tribunal") in Original Application No. 3145/2024 (hereinafter referred to as the, "O.A.") titled as Gaurav Kumar v. Staff Selection Commission & Anr, allowing the said O.A. filed by the respondent with the following directions:

"10. Keeping in view the aforesaid decision passed by the co-ordinate bench of this Tribunal in the aforesaid OA, we cannot take a divergent view in the matter. Accordingly, the present OA is also disposed of with a direction to the competent authority amongst the respondents to conduct a fresh medical examination of the applicant by way of constituting an appropriate medical board in any government hospital except the hospital which has already conducted the initial and the review medical examination. Appropriate orders with respect to the candidature of the applicant on the basis of the outcome of such an independent/fresh medical examination be passed thereafter under intimation to the applicant.

11. The aforesaid directions shall be complied with within a period of six weeks from the date of receipt of a certified copy of this order. In the event of the applicant is being declared medically fit and subject to his meeting other criteria, he shall be given appointment forthwith. The applicant, in such an eventuality, shall also be entitled to grant of all consequential benefits, however, strictly on notional basis. No costs."

3. As it is evident from the above, the impugned order had granted six weeks' time to the respondent to comply with the directions passed by the learned Tribunal. However, the present petition has been filed by the petitioners on 31.03.2025, that is, with a delay of almost eight months, without any justification thereof.

4. In this regard, we may draw reference to the Judgment of the Supreme Court in Chennai Metropolitan Water Supply & Sewerage Board & Ors. v. T.T. Murali Babu, (2014) 4 SCC 108, wherein the Court has held as under:-

"16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant -- a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis."

5. In the present case, the respondent had approached the learned Tribunal being aggrieved of the rejection of his candidature for appointment to the post of Constable (Exe.) Male in the Delhi Police on the ground of his perceived unfitness. The learned Tribunal has directed his re-medical examination. In such matters, the petitioners have to act with expedition as delay not only causes irretrievable injustice to the respondent, who would keep waiting in hope that he may be declared fit in such re-examination and may secure employment and therefore, leave out other opportunities of employment that may come his way in the interregnum, but also to the petitioners as well in form of administrative chaos if the respondent is to be later offered employment. The petitioners, therefore, cannot be allowed to challenge the impugned order at its leisure and in the meantime defy the direction of the learned Tribunal with impunity.

6. In view of the unexplained delay, we do not deem it proper to interfere with the impugned order in the exercise of our extraordinary jurisdiction under Article 226 of the Constitution of India.

7. The petition, is accordingly, dismissed on account of delay and laches.

NAVIN CHAWLA, J RENU BHATNAGAR, J APRIL 2, 2025/Pr/S/DG Click here to check corrigendum, if any