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

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Date of Decision: 21st July, 2025

+ CM(M) 558/2025

UNION OF INDIA THROUGH GENERAL MANAGER
NORTHERN RAILWAYPetitioner

Through: Mr. Vijay Joshi, Mr. Shubham
Chaturvedi, Advocates.

versus

SH PRAKASH MANI TRIPATHI & ORS.Respondent

Through: Mr. Manindra Dubey, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

CM(M) 558/2025 & CM APPL. 42816/2025 (seeking vacation of interim order)

1. The present petition has been filed by Union of India through General Manager Northern Railway (hereinafter "Union of India"), being aggrieved by order dated 19.12.2024 whereby their Revision Petition has been dismissed on the ground of limitation.

2. While entertaining the present petition and issuing notice, there was also a direction to petitioner to deposit 50% of the amount before the learned District Forum where the execution proceedings are pending, with further order that no coercive step be taken therein and it is in the abovesaid background that after receiving of notice by respondent, an application has been moved seeking vacation of such interim order.

3. Learned counsel for respondent (complainant before the learned District Forum) submits that the complainant is in his nineties and is a retired Lieutenant General.

4. The incident in question is of the year 2002 when the complainant was travelling in a train and the compensation was sought by him on account of



deficiency in service, during such train journey.

5. The complaint was allowed in the year 2016 and against such judgment, Union of India had filed an appeal before the learned State Commission, Delhi and such first appeal was dismissed on 28.01.2021.

6. While dismissing the appeal, learned State Commission observed that the appellant i.e. Union of India, had failed to present any sufficient ground for condoning the delay in filing such appeal and, therefore, the application seeking condonation of delay was dismissed and, resultantly, the appeal was also dismissed.

7. Aggrieved by such dismissal, Union of India filed a revision petition and such revision petition has also been dismissed, being barred by limitation.

8. Learned NCDRC observed that there was delay of 471 days and there was no reason assigned which may compel the Commission to condone the delay.

9. Admittedly, when the revision was filed, no application was moved seeking condonation of delay.

10. The stand of Union of India was perhaps to the effect that since they had not received any copy of order from the learned State Commission, Delhi with respect to the judgment dated 28.01.2021, there was no requirement of moving any application, seeking condonation of delay. During course of the arguments, Mr. Joshi, learned counsel representing Union of India reiterated that there was no deliberate delay on the part of the petitioner in filing the revision petition and, actually speaking, it never learnt about the impugned order and, therefore, it was in no position to challenge the order.

11. The internal notings of the file of petitioner would indicate that there was delay in processing the matter and, that being so, when they had lodged



revision petition before learned NCDRC it was expected that they would also, along with such revision petition, file an application seeking condonation of delay. In the given factual matrix, even if the certified copy of the order had not been received, it was expected that Union of India would keep requisite tab over the matter, particularly, when its first appeal was also dismissed on the ground of limitation.

12. The facts, which are being highlighted before this Court for the first time, were never brought to the notice of the learned NCDRC, when the revision was filed and, therefore, taking overall facts of the case into consideration, particularly the age of the complainant who is in his nineties and the date of the incident, this Court is not inclined to invoke its supervisory powers under Article 227 of Constitution of India when there is no illegality or perversity in the impugned order.

13. The petition is, accordingly, dismissed.

14. The order dated 26.03.2025 stands vacated.

15. The next date i.e. 08.10.2025, is cancelled.

16. However, it is clarified that since the revision petition had been dismissed on the point of limitation, it shall not be taken as reflection on merits of the case.

(MANOJ JAIN)
JUDGE

JULY 21, 2025/ss/pb