



2025:DHC:9779



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

Reserved on: 02.09.2025

Pronounced on: 10.11.2025

+ W.P.(C) 6396/2007

ZONAL MANAGER PUNJAB & SIND BANKPetitioner

Through: Ms.Kittu Bajaj, Adv.

versus

INDER PAL SINGH

.....Respondent

**Through: Mr. Om Prakash, Mr. Rajeev
Pathak, Mr. Vikas Kumar,
Ms. B. Naaz Jain, Advs.**

CORAM:

HON'BLE MS. JUSTICE RENU BHATNAGAR

RENU BHATNAGAR, J.

CM.APPL. 17336-38/2024

1. The present application has been filed by the petitioner seeking restoration of W.P.(C) No. 6396/2007 (hereinafter, “the captioned writ petition”), which was dismissed for non-prosecution *vide* order dated 20.04.2023. Along with restoration application, the petitioner has also sought condonation of delay in filing as well as re-filing the present application.

Factual Background

2. The present writ petition was filed by the petitioner assailing the



award dated 13.06.2007 passed by the learned Industrial Tribunal granting reinstatement to the respondent/workman with 50% back wages.

3. The captioned writ petition was admitted and made 'Rule' on 25.04.2016. Thereafter, it was directed to be listed in the category of "Regular Matters" to be taken up as per its own turn.

4. On 07.09.2022, the respondent-workman filed an application seeking early hearing of the writ petition. *Vide* dated 30.11.2022, the writ petition was directed to be taken up as per its own turn under the category of 'Senior Citizen, Part-B'.

5. Accordingly, the matter came to be listed before Court on 20.04.2023, on which date, the petition was dismissed with the following observations:-

"A perusal of the order sheets reflects that there was no appearance on behalf of the petitioner on 03.08.2016, 07.09.2022 as well as on 30.11.2022. It seems that the petitioner is not interested in pursuing the present writ petition. Accordingly, the same is dismissed in default."

6. Aggrieved by the dismissal, the petitioner has moved the present application seeking restoration of the writ petition along with an application seeking condonation of delay in filing the restoration application.

Submissions on Behalf of the Petitioner

7. Learned counsel for the petitioner submits that the captioned



writ petition could not be traced in the regular cause list by the learned counsel for the petitioner on 20.04.2023, and therefore no appearance could be entered.

8. It is urged that since the respondent had moved an application for early hearing on 07.09.2022, and the same was considered by this Court, the matter was taken out of the regular category and directed to be listed in the category of '*Senior Citizen, Part B*'. However, no notice of the said early hearing application was ever issued to the petitioner. As a result, the matter could not be traced in the Regular cause list.

9. It is further submitted that the petitioner came to know of the dismissal order only on 09.08.2023 while updating her case diary of "Rule" matters. On the very same date, the petitioner diligently filed the present application seeking restoration.

10. Learned counsel for the petitioner contends that procedural laws are meant to advance the cause of justice and not to defeat substantive rights of litigants. Procedural requirements, it is urged, must be interpreted liberally, as they are intended to be the handmaids of justice. The same shall not be allowed to come in the way of the court while doing substantial justice. Reference is made to the judgements of the Apex Court in *Dwarika Prasad (D) thr. LRs v. Prthivi Raj Singh* SLP (C) No. 11259 of 2022 & *Sugandhi (D) thr. LRs. v. P. Rajkumar* (2020) 10 SCC 706 to reinforce the principle that procedural hurdles shall not come in the way of doing substantial



justice.

Submissions on Behalf of the Respondent

11. Per contra, learned counsel for the respondent vehemently opposes the present application for restoration.

12. Learned Counsel for the respondent/workmen submits that the petitioner's main assertion, made on affidavit, that the dismissal order dated 20.04.2023 was not within her knowledge until 09.08.2023, is demonstrably false. It is submitted that the respondent had addressed a letter dated 15.05.2023 to the petitioner bank informing them of the dismissal of the Captioned writ petition and simultaneously seeking release of dues consequent thereto. The said letter was dispatched by registered post and postal receipts evidencing that the same have been received, are annexed.

13. Placing reliance on Section 27 of the General Clauses Act, 1897 learned counsel submits that service of the said letter is deemed to be proper service, and therefore the petitioner cannot contend lack of knowledge of the dismissal Order dated 20.04.2025 until 09.08.2023.

14. It is next submitted that there is considerable delay in filing and re-filing the present application also. No cogent explanation has been offered by the petitioner except for pleading inadvertence. It is further submitted that in matters of delay, what matters is not the length of delay but the sufficiency and quality of explanation. A mere plea of inadvertence is insufficient to get the petition restored.



15. Learned counsel further contends that the argument regarding the application for early hearing moved by the respondent has no merit, since the said application was never allowed and, therefore, no notice was required to be issued to the petitioner.

16. It is also urged that the captioned writ petition was not dismissed on the first date of default but only after the petitioner's repeated absence over the last several hearings.

17. It is emphasized that there is no specific denial by the petitioner regarding receipt of the letter dated 15.05.2023; instead, the petitioner has merely stated that such a letter does not exist in her records. Such bald denials, it is argued, cannot absolve the petitioner of the burden to rebut the respondent's evidence.

18. Lastly, reliance is placed on the settled principle that delay in seeking restoration, condonation, or other procedural relief cannot be condoned on sympathetic grounds alone. The applicant must provide a cogent and *bona fide* explanation supported by credible circumstances. Reference is made to ***Raj Kumaar v. Shiv Steel &Anr.*** (2017) SCC OnLine Del 12598, ***Mr. L.K. Kaul Thr. Lrs v. Shri Pradeep Kumar Khanna (Huf) &Ors.*** (2014) SCC OnLine Del 6640, ***Deptt. of Health v. Kamla Mehndiratta and Others*** 2023 SCC OnLine Del 4771, ***Grasim Industries Ltd. v. Union of India &Ors.*** 2007 (93) DRJ 217 (DB) and ***Rabi Sankar Sengupta v. ITDC*** 2007: DHC: 5731(DB) to reinforce the principle that "sufficient cause" must be strictly demonstrated.



ANALYSIS & FINDINGS

19. I have considered the submissions advanced by learned counsel for the parties.

20. A perusal of the record reveals that learned counsel for the respondent had moved an application seeking early hearing of the captioned writ petition, which was disposed of by the predecessor Bench with the following direction:

“The present application has been filed by the respondent seeking early hearing of the writ petition on the ground that the respondent is a senior citizen aged about 67 years. Let the matter be listed in the category of ‘Senior Citizen Part-B’ as per its own turn.

The application stands disposed of.”

21. Thereafter, the matter was listed on 20.04.2023, as per its own turn in the said category, when the Learned Predecessor Bench dismissed the captioned writ petition for non-prosecution, vide impugned order.

22. It has been submitted on behalf of the applicant, and is evident from the record, that since no notice of the aforesaid application for early hearing was issued to the petitioner, learned counsel for the applicant could not have the occasion to know that the matter was being shifted to the ‘Senior Citizen, Part-B’ category from the category of ‘Regular Matters’.

23. It is pertinent to note that the writ petition was admitted and made ‘Rule’ vide order dated 25.05.2016. This Court finds substance



in the applicant's submission that it was not possible to keep a constant vigil over matters listed in the 'Regular' category. When faced with similar situation, the Division Bench of this Court on 17.10.2017 in the case of **Vijay Kumar Vats v. GNCTD &Anr.**, LPA 564/2016, passed the following order-

"This Court is of the opinion that there was considerable delay in seeking recall of the order of dismissal; at the same time, there is some substance in the appellant's argument that after rule was issued, it was not possible to keep a watch over the cause list. This resulted in the dismissal/non-prosecution of the writ petition. The Court, therefore, is of the opinion that in the interest of justice, the order dated 19.09.2014 and the impugned order dated 08.08.2016 requires to be and are, therefore, set aside."

24. As is indicated from the record, the writ petition came to be dismissed for non-prosecution on the very date, i.e, 20.04.2023, when the same was listed in the category of 'Senior Citizen' for the first time.

25. Furthermore, the applicant moved the present application for restoration of the writ petition at the earliest possible opportunity upon gaining knowledge of the dismissal order dated 20.04.2023. In support of her submissions, learned counsel for the applicant has also placed on record extracts of her diary.

26. So far as the receiving of the letter dated 15.05.2023 from the respondent/workman is concerned, learned counsel for the petitioner has argued that Sh. Pramod Saxena, Chief Manager in the the petitioner bank has already filed an affidavit that no such letter is



available in their records. She further states that her submission to this effect and even the affidavit is based on the records available with the petitioner bank, which is a government organisation, regarding which neither she nor Chief Manager could have personal knowledge.

27. The reliance placed by learned counsel for the respondent/non-applicant on the judgments of this Court in **Raj Kumar** (*supra*), **Kamla Mehndiratta** (*supra*), and **L.K. Kaul through LRs** (*supra*) is misplaced and untenable in the facts of the present case. In those cases, the applicants, despite having knowledge of the dismissal orders, moved applications for restoration after inordinate and unexplained delays. The facts here are distinguishable, as the applicant has acted with diligence in moving the restoration application immediately upon acquiring knowledge of the dismissal.

28. Further, the judgments of the Hon'ble Division Bench of this Court in **Grasim Industries Ltd.** (*supra*) and **Rabi Shankar Sengupta** (*supra*) are also distinguishable on facts. In **Grasim Industries Ltd.** (*supra*), there was an inordinate and unexplained delay not only in filing the writ petition but also in moving the restoration application. Similarly, in **Rabi Shankar Sengupta** (*supra*), the delay was coupled with repeated defaults on the part of the litigant, reflecting a lack of diligence. The present case, however, stands on a different footing, as the applicant has moved the restoration application promptly upon gaining knowledge of the dismissal order and has demonstrated bona fide reasons for the earlier non-appearance.



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29. Admittedly, the dispute needs to be adjudicated on merits and substantive rights of the parties should not be defeated by adopting a hyper-technical and strict approach while deciding the restoration applications or condonation of delay applications. When there is no gross negligence, deliberate inaction, or lack of bonafides, a liberal approach/concession has to be adopted, to advance substantial justice.

30. In view of the aforesaid, this Court is of the opinion that, in the interest of justice, and keeping in view the reasons set out in the application, which are duly supported by affidavit and appear to be bona fide and sufficient, the present applications merits substance. Accordingly, the delay in filing and re-filing the restoration application is condoned. The restoration application is allowed. The harm/delay caused to the respondent can always be compensated in terms of money. Accordingly, W.P.(C) 6396/2007 is restored to its original number, subject to payment of costs of ₹20,000/- by the petitioner to the respondent/workman, within a period of four weeks from the date of this order.

31. The applications stand disposed of.

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32. List the matter on 15.01.2026 for consideration.

RENU BHATNAGAR, J

NOVEMBER 10, 2025

p/kz