



2026:DHC:3354-DB



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

Date of Decision: 20.04.2026

+ W.P.(C) 2053/2026
AMAR SINGH

.....Petitioner

Through: Mr. Puru Mudgil, Ms. Shweta
Shandilya, Ms. Kaberi Sharma,
Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Syed Abdul Haseeb, CGSC
with Ms. Nasreen Khatoon, GP
for Union of India and Mr.
Muhammad Aamir Khan, Mr.
Syed Abdur Rahman, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

ANIL KSHETARPAL, J.:

1. Through the present Petition, the Petitioner seeks issuance of a writ in the nature of mandamus directing the Respondents to decide his representation dated 18.11.2025 and grant him the benefit of the First Financial Upgradation under the Assured Career Progression Scheme, 1999 [hereinafter referred to as the “ACP Scheme”].

FACTUAL MATRIX:

2. In order to appreciate the controversy involved in the present Petition, the relevant facts, in brief, are required to be noticed.



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3. The Petitioner was enrolled in the Border Security Force ('BSF') on 23.12.1980 as a Constable (General Duty). During the course of his service, he was promoted to the rank of Lance Naik in the year 1989. The Petitioner subsequently sought and was granted voluntary retirement in the year 2003.

4. It is an admitted position that after his retirement, the Petitioner did not raise any grievance regarding grant of financial upgradation under the ACP Scheme for a considerable period. It is only after a lapse of more than two decades that the Petitioner submitted a representation dated 24.02.2024 seeking grant of the First Financial Upgradation under the ACP Scheme. This was followed by another representation dated 30.08.2024.

5. The Respondents, *vide* communication dated 27.01.2025, informed the Petitioner that his case for grant of the First ACP had been examined. It was conveyed that his Annual Confidential Reports ('ACRs') for the relevant period reflected gradings of "Good" for the year 1995-96 and "Satisfactory" for 1996-97, whereas for the years 1997-98 and 1998-99, the gradings were "below the prescribed benchmark". Thus, his ACRs gradings did not meet the benchmark prescribed for grant of financial upgradation. Consequently, his case was not found suitable for grant of financial upgradation under the ACP Scheme.

6. Thereafter, the Petitioner submitted yet another representation dated 18.11.2025, which, according to him, remains pending, leading to the filing of the present Petition.



CONTENTIONS OF THE PARTIES:

7. Learned counsel representing the Petitioner submits that the denial of the benefit under the ACP Scheme has a continuing adverse effect on the Petitioner's pensionary benefits and, therefore, constitutes a continuing wrong. In support of the aforesaid submission, reliance has been placed upon the judgment passed by the Supreme Court in *Union of India & Ors. v. Tarsem Singh*¹, to contend that in cases involving recurring or continuing injury, relief cannot be denied solely on the ground of delay.

8. *Per contra*, learned counsel representing the Respondents submits that the present Petition is liable to be dismissed on account of gross delay and laches, inasmuch as the Petitioner has approached this Court after more than two decades of his retirement. It is further submitted that the Petitioner's claim has already been considered and rejected by the competent authority *vide* communication dated 27.01.2025 and, therefore, no direction for reconsideration is warranted.

ANALYSIS & FINDINGS:

9. This Court has considered the submissions advanced on behalf of the parties and has perused the material placed on record. At the outset, it is necessary to examine the applicability of the principle of "continuing wrong" as sought to be invoked by the Petitioner.

10. The reliance placed on *Tarsem Singh* (supra) is misconceived.

¹ (2008) 8 SCC 648



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In the said decision, the Supreme Court was dealing with a claim relating to disability pension, where denial of such benefit results in a recurring and continuing injury, as the employee suffers a fresh cause of action each time appropriate pension is not disbursed.

11. However, the present case stands on an entirely different footing. The Petitioner's claim pertains to grant of financial upgradation under the ACP Scheme, which is founded upon service conditions, eligibility criteria, and assessment of service record at the relevant point of time. Such a claim, once crystallised and either granted or denied, does not give rise to a recurring cause of action in the same manner as pensionary entitlements simpliciter.

12. In the present case, the Petitioner retired from service in the year 2003. Admittedly, no grievance with regard to denial of ACP benefits was raised either during his service tenure or within a reasonable period thereafter. The Petitioner has failed to disclose any steps taken by him for redressal of his alleged grievance for more than 21 years following his retirement.

13. It is only in the year 2024 that the Petitioner chose to submit representations seeking grant of ACP benefits. The Respondents, upon consideration, rejected his claim by a communication dated 27.01.2025, assigning reasons, *inter alia*, with reference to his ACR gradings. Instead of challenging the said communication within a reasonable time, the Petitioner submitted another representation dated 18.11.2025 and has sought to invoke the jurisdiction of this Court by merely projecting the matter as one of non-consideration of



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representation.

14. It is well-settled that repeated representations do not furnish a fresh cause of action, nor do they extend the period of limitation or revive a stale claim. If such a course were to be permitted, it would enable litigants to circumvent the settled principles governing delay and laches by the simple device of submitting successive representations.

15. The extraordinary jurisdiction of this Court under Article 226 of the Constitution is discretionary in nature and cannot be invoked for adjudication of claims that are *ex facie* stale and barred by delay, particularly in service matters, where settled rights of the parties and administrative finality are of paramount importance. The doctrine of delay and laches is founded on sound public policy. Entertaining claims after an inordinate lapse of time would not only disturb settled positions but would also lead to administrative complications and uncertainty.

16. In the facts of the present case, the delay is not merely marginal but is of a colossal magnitude. The Petitioner seeks to reopen issues relating to his service conditions more than two decades after his retirement, without furnishing any plausible explanation for such prolonged inaction.

17. In these circumstances, this Court is of the considered view that the present writ Petition is liable to be dismissed on the ground of delay and laches alone, without entering into the merits of the Petitioner's claim, which are left open.



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CONCLUSION:

18. In view of the aforesaid discussion, this Court finds that the present Petition suffers from gross delay and laches and does not warrant exercise of jurisdiction under Article 226 of the Constitution of India.

19. Accordingly, the present Petition is dismissed on the ground of delay and laches.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

APRIL 20, 2026

jai/pal