



2026:DHC:4119-DB



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

+ W.P.(C) 6138/2026

KARANTI GOYALPetitioner

Through: Mr. Pankaj Sinha, Ms. Garima
and Ms. Humaira Salam, Advocates.

versus

UNION PUBLIC SERVICE COMMISSION AND ANR

.....Respondents

Through: Mr. Ravinder Agarwal, Mr.
Manish Kumar Singh and Mr. Vasu
Agarwal, Advocates for UPSC.

Ms. Liyi Marli Noshi, Mr. Dani Uja, Mr.
Sunny Tayeng, Mr. Sandeep Mishra and Mr.
Shivam, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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07.05.2026

C. HARI SHANKAR, J.

1. OA 3689/2015, filed by the petitioner against the Ministry of Statistics and Programme Implementation and the Union Public Service Commission¹, was disposed of, by the Central Administrative Tribunal² by judgment dated 23 June 2021, with a direction to the UPSC to exercise its discretion under Rule 15 of the Ministry of Statistical Services Examination Rules, 2015 [wrongly referred to in paragraph 13 of the judgment of the Tribunal as “the Persons with

¹ “UPSC” hereafter

² “Tribunal” hereafter



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Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995”] in favour of Physically Handicapped category candidates³ on the lines adopted in the case of Indian Engineering Service, Geo Scientists and Geologists.

2. For the purposes of the present appeal, we are not concerned with the merits of the dispute between the parties.

3. RA 59/2023 was filed by the UPSC, seeking review of the aforementioned judgment dated 23 June 2021. The RA was filed on 2 December 2021 by e-mail as, owing to the currency of the COVID-19 pandemic, physical filings were not taking place at that time.

4. The RA remained pending with the Registry of the Tribunal. In the interregnum, the petitioner filed CP 87/2022 before the Tribunal, alleging contumacious disobedience with the directions contained in the judgment dated 23 June 2021 passed in the OA.

5. Mr. Pankaj Sinha, learned Counsel for the petitioner, submits that the contempt petition was listed on several occasions and that the Tribunal was never apprised of the fact that the UPSC had filed an RA which was languishing in the Registry. The Registry had apparently raised certain objections in the RA. The objections were removed by the UPSC on 24 April 2023.

6. On 5 March 2025, the following order came to be passed by the Tribunal:

³ “Physically Handicapped” hereinafter



“Learned counsel for the applicant, at the outset, opposes the RA No. 59/2023 filed by the respondents. He submits that the Tribunal had decided the OA on 23.06.2021. As per the provisions of the Administrative Tribunals Act, 1985, 30 days’ time was available to the Respondents for filing of the Review Petition. The instant RA was filed on 02.12.2021. Even thereafter, the RA was not listed and it seems that the same was lying under objection. Accordingly, he submits that the RA deserves to be dismissed as the same is barred by limitation.

2. Learned counsel appearing on behalf of the respondents submits that the RA came to be filed on 02.12.2021 and is within the limitation as per the directions of the Hon'ble Apex Court in the suo moto case concerning similar matters since it was filed during the COVID-19 pandemic.

3. Further, the RA came to be re-filed on or about 11.04.2023, accordingly, he seeks to file an appropriate application seeking directions in this regard. Let the necessary steps be taken by the respondents within a period of four weeks.

4. List on 15.05.2025”

7. Pursuant to the liberty granted by the Tribunal, MA 3097/2025 came to be filed. The MA came up for hearing before the Tribunal on 9 December 2025. The petitioner vociferously contested the MA, submitting that it was grossly barred by time and that the MA deserved to be dismissed both on the ground of delay in filing of the RA as well as delay in re-filing of the RA. It was also pointed out that no application for condonation of delay had been filed by the UPSC, and that even for that reason, the MA as well as, consequently, the RA, deserved to be dismissed.

8. By order dated 6 January 2026, under challenge in the present writ petition at the instance of the petitioner, the Tribunal has allowed MA 3097/2025 and has directed the RA to be listed for hearing on



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merits in accordance with law.

9. Aggrieved thereby, the petitioner has approached this Court by means of the present writ petition.

10. We have heard Mr. Pankaj Sinha, learned Counsel for the petitioner and Mr. Ravinder Agarwal, learned Counsel for the UPSC at length. Ms. Liyi appears for the Ministry of Statistics and Programme Implementation, which is not really contesting this petition and is merely a proforma party.

11. Mr. Agarwal has drawn our attention to Rule 5(3) of the Central Administrative Tribunal (Procedure) Rules, 1987⁴. He submits that, as per the said Rule, the onus was on the Registry of the Tribunal to communicate, to the UPSC, the facts that its RA was under defects. As the Registry did not discharge its responsibility, the UPSC never came to know that its RA was languishing with the Registry of the Tribunal. It was only at a later stage, during the proceedings in CP 87/2022, that the UPSC inspected the record of the Tribunal and came to know that the RA had been filed and was under defects. The defects, Mr. Agarwal submits, were immediately cured and, therefore, the Tribunal was justified in directing the RA to be listed for hearing on merits.

12. Mr. Sinha, on the other hand, submits that the notings of the Registry reveal that on 13 December 2021 itself, the defects had been marked for communication to the UPSC. As such, he submits that the



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Tribunal ought, at the very least, to have enquired with the Registry as to whether the defects had in fact been communicated and could not have blindly accepted the UPSC's contention that it was only at a belated stage, when the UPSC inspected the file, that it came to know that it had filed an RA. He submits that if such inordinate delay is blindly being permitted to be condoned, it would result in serious hardship and prejudice to the litigant. He also submits that the respondent UPSC had ample resources with it and ought, therefore, to have followed up with the Registry and ascertained the status of its RA. He questions the *bona fides* of the UPSC in allowing the RA to remain under defects for several days when the contempt petition was taken up for consideration and, at a belated stage, seeking to take up the RA so as to defeat or contest the petitioner's contempt petition. The entire exercise, he submits, is bereft of any *bona fides* and, therefore, the Tribunal ought not to have directed the RA to be listed on merits.

13. Having heard learned Counsel for the parties, we do not deem this to be a fit case for interference with the Tribunal for the following reasons:

- (i) In MA 3097/2025, in which the impugned order has come to be passed, the UPSC specifically averred as under, in para 3:

“However, as the physical filing was not in vogue during the COVID-19 period, *the defects were not communicated to the Counsel by email or physically.*”

(Emphasis supplied)

⁴ “CAT (Procedure) Rules” hereafter



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Mr. Sinha fairly acknowledges the fact that, as he desired to contest the MA orally, he had chosen to argue the MA directly without filing any reply to the MA. The result, however, is that the afore-extracted assertion, in the MA, to the effect that the Registry of the Tribunal had not communicated, to the UPSC, the defects in the RA, remained traversed. It has, therefore, to be treated as correct.

(ii) Though Mr. Sinha has pointed out that there was a noting on the file, on 13 December 2021, to the effect that the defects in the RA were to be marked for communication to the UPSC, there is nothing to indicate that they were so marked. In fact, as we have already noted, having chosen not to respond to the assertions in the MA by way of a counter affidavit, the petitioner cannot be heard to contend, now, that the registry of the Tribunal had communicated the defects to the UPSC. Nor, in such a situation, was the Tribunal required to undertake any inquisitorial exercise as to whether the defects were so communicated.

(iii) We have also to bear in mind the fact that the COVID protocol was in place in December 2021, and communications from courts and registries to parties and counsel were heavily hampered at that time.

(iv) Insofar as the RA itself is concerned, it is clear that the RA was not barred by time. The Supreme Court had, by order dated 10 January 2022 in *Re: Cognizance for Extension of*



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*Limitation*⁵ extended the time for all pleadings in all Courts and tribunals, irrespective of when the time for filing the pleadings expired, till the expiry of three months from 28 February 2022. Inasmuch as the RA had been filed on 2 December 2021, it was within time and, therefore, there was no requirement of filing any application for condonation of delay.

(v) The only aspect that would be required to be considered is, therefore, whether there was any delay in re-filing the application.

(vi) Following our above discussion, as the fact that the Registry of the Tribunal had not communicated the defects to the UPSC stood specifically pleaded in MA 3097/2025, to which the petitioner did not deem it appropriate to file a response, the fact of non-communication of the defects to the UPSC has to be treated as admitted. If this is so, under Rule 5(3), the time for curing the defects and re-filing the defects did not even commence. There can, therefore, be no question of any delay in re-filing the application either.

(vii) Besides, we have also seen the defects which were marked by the Registry. They were that (i) proof of service was not filed (ii) the application barred by time and no condonation of delay application had been filed, (iii) certified copy of the impugned order was not filed and (iv) no separate affidavit of condonation of delay was filed.

⁵ (2022) 3 SCC 117



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(viii) None of these defects were actually defects, given the position as it existed at that point of time. We have already held that the RA was not barred by time and, therefore, the Registry was clearly incorrect in raising an objection regarding limitation and non-filing of application for condonation of delay as objections to the RA.

(ix) Further, insofar as proof of service and filing of certified copy of the impugned order were concerned, these were also procedural aspects. Moreover, the petitioner has admitted the fact that in November 2021 itself, it had in fact been provided copy of the RA.

(x) Insofar as the non-filing of the proof of service and certified copy of the impugned order, these are objections which might be valid during other periods, but were not valid objections during the currency of the COVID pandemic.

(xi) As such, the objections which were raised by the Registry, to the RA, were not really valid objections. There were actually no objections which were required to be rectified and, if the Registry did not list the RA, the fault lay only with the Registry and not with the UPSC.

(xii) The Tribunal has not really curtailed the rights of the petitioner or subjected him to prejudice in any way. It has merely directed the RA filed by the UPSC to be listed for hearing.



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14. In view of the aforesaid discussion, we do not find that the Tribunal has erred in law or in fact in directing the RA to be listed for hearing and thereby allowing the MA filed by the UPSC.

15. We, therefore, find no merits in this petition, which is dismissed.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

MAY 7, 2026/dsn