



2026:DHC:9327-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010501952026
+ W.P.(C) 15400/2026, CAV 495/2026, CM APPL. 72228/2026,
CM APPL. 72229/2026, CM APPL. 72230/2026 & CM APPL.
72231/2026

UNION OF INDIA & ORS. Petitioners
Through: Mr. Bhagvan Swarup Shukla,
CGSC with Mr. Mukesh Pandey, Ms.
Saumya Srivastav, Advs. and Mr. G.L.
Meena

versus

NARENDRA PAL & ORS Respondents
Through: Mr. Ritwik Parikh, Ms. Heena
Khatun and Mr. Rajat K. Mittal, Advs.

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

% **15.10.2026**

C.HARI SHANKAR, J.

1. This writ petition, which has been filed on or after 8 September 2026, assails an order dated 2 April 2019 passed by the Central Administrative Tribunal¹ in OA 1042/2016.

2. Seven years have passed between the passing of the order passed by the Tribunal and the filing of the present writ petition.

¹ "Tribunal" hereinafter



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3. The Supreme Court has held, in ***State of Odisha v. Managing Committee of Namatara Girls High School***², that highly belated writ petitions should not be entertained by the Court. The Supreme Court has also clarified that bureaucratic delay cannot constitute a legitimate ground to entertain such writ petitions.

4. The proscription against entertaining of writ petitions which are highly belated also stands emphasised by the Supreme Court in ***Mrinmoy Maity v. Chhanda Koley***³.

5. In the present case, the order under challenge was passed by the Tribunal on 2 April 2019.

6. *Four years thereafter*, in 2023, an application was moved by the Union of India for correction of a reference, in the order, to a judgment passed by the Supreme Court. There is no explanation worth the name whatsoever for the delay of four years between 2019 and 2023 in moving the said application.

7. The application itself was decided on 31 January 2024, which is again more than two and half years before the present writ petition was filed.

8. Thereafter, the Union of India approached this Court by way of WP(C) 12313/2024.

² 2026 SCC OnLine SC 191

³ (2024) 15 SCC 215



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9. On 4 September 2024, the Union of India submitted before an earlier Division Bench of this Court that it was withdrawing the writ petition with liberty to file a review petition before the Tribunal. The petition was, therefore, dismissed as withdrawn with liberty to file a review petition.

10. Purportedly under the liberty so granted, the Union of India approached the Tribunal by way of RA 38/2025, along with MA 604/2025, for condonation of delay in filing the review application.

11. The Union of India appeared before the Tribunal on 7 April 2025 and withdrew the MA as well as the RA in view of para 6 of the order dated 2 April 2019 passed in the OA, to which we would presently refer. Accordingly, the Tribunal permitted the MA as well as the RA to be withdrawn by order dated 7 April 2025, which read as under:

“ORDER (ORAL)

Per: Justice Ranjit More, Chairman:

M.A. No.604/2025 in R.A. No. 38/2025 in O.A. No.1042/2016

The instant MA has been filed by the applicants seeking condonation of delay in filing the captioned Review Application seeking review of the order dated 02.04.2019 passed in O.A. No.1042/2016.

2. Mr. Archit Vasudeva, learned counsel for the applicants, at the outset, seeks leave to withdraw the both the MA and the RA in light of the observations of this Tribunal in para no. 6 of the order dated 02.04.2019 passed in the subject OA.

3. Leave, as prayed for, is granted in accordance with law. The MA and the RA are dismissed as withdrawn. No costs.”



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12. Mr. Shukla submits, on instructions from the departmental representative who is present in Court, that, after the passing of the aforesaid order dated 7 April 2025, withdrawing MA 604/2025 as well as RA 38/2025, a fresh application was filed for recalling the said order, which was thereafter recalled and the RA re-listed for hearing. The order passed on the recall application has not been made available to us. However, we believe Mr. Shukla that such an order must have been passed as we find that RA 38/2025 was again taken up by the Tribunal on 20 May 2026, on which date the following order was passed:

“ORDER (ORAL)

Per: Justice Ranjit More, Chairman:

By way of filing this Review Application, the applicants are seeking the review of the order dated 02.04.2019 in O.A. No.1042/2016. By the said order, the aforementioned OA was disposed of, leaving it open to the applicants therein to work out the remedies depending upon the outcome of Civil Appeal No.3110/2016 in the matter of **Union of India & Ors. v. Kishan Lall Sharma & Anr.** It is reported that the said Civil Appeal No.3110/2016 has also been disposed of by the Hon’ble Supreme Court.

2. Mr. Vasudeva, learned counsel for the applicants, submits that subsequently the issue in the present application has again been carried to the Hon’ble Supreme Court and SLPs are pending.

3. In our opinion, SLPs filed subsequent to the order dated 02.04.2019, cannot be a ground for the review of the said order. Therefore, no error, apparent on the face of record is pointable. Accordingly, the R.A. is dismissed.

3. Pending MA(s), if any, shall also stand disposed of. No costs.”



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13. The Union of India now seeks to challenge the original order dated 2 April 2019 in OA 1042/2016, the order dated 31 January 2024 whereby the order dated 2 April 2019 was corrected *at the instance of the Union of India itself*, and the order dated 20 May 2026 passed in RA 38/2025.

14. The present writ petition, to our mind, deserves to be dismissed even on delay and laches alone. An order dated 2 April 2019 is being challenged in 2026. For four years after the passing of the order dated 2 April 2019, there was complete inaction on the part of the Union of India, before the application for correction of the reference to the Supreme Court judgment was filed. Another two and a half years have passed between the decision on the application and the filing of the present writ petition. During this period, the Union of India filed a writ petition, withdrew it with liberty to file a Review Application before the Tribunal, filed the Review Application belatedly, withdrew the Review Application, and sought recall of the order withdrawing the Review Application, which the Tribunal, perhaps over-graciously, allowed. Now the Union of India seeks to cover up all the delay by including, in its challenge, the order passed in the Review Application.

15. We are not inclined to countenance such an approach.

16. Even on merits, we find no reason to interfere with the present matter. The original order dated 2 April 2019, passed by the Tribunal in OA 1042/2016, reads thus:



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“ORDER (ORAL)”

Justice L. Narasimha Reddy:

This O.A. is filed claiming the relief of re-fixation and re-computation of pension, and other ancillary benefits. Reliance is placed upon the judgment dated 12.03.1979 passed by the Hon’ble Allahabad High Court in **Mrs. Afsar Jahan Begum v. Union of India** (Special Appeal No.9/1975), which is said to have been affirmed by the Hon’ble Supreme Court, through an order dated 20.07.1988.

2. The respondents filed counter affidavit opposing the O.A.

3. On 20.12.2018, it was represented that the issue regarding re-fixation of pension of the employees, similarly situated as applicants, is under consideration before the Hon’ble Supreme Court. Therefore, the O.A. was adjourned sine die.

4. Today, we heard learned counsel for applicants and learned counsel for respondents.

5. The question as to whether the benefit of addition of 55% of pay scale in the context of working out of pension for loco employees is available for the post held by the applicants herein, was the subject matter of several cases. In some cases, the O.A(s). were allowed and even the W.P(s). & SLP(s) were rejected. However, it is brought to our notice that in the recent past, the matter is once again taken to the Hon’ble Supreme Court by filing Civil Appeal No.5666/2017 (**Running Staff Association & others v. Union of India & another**). Both the parties agree that the said matter is yet to be decided.

6. We, therefore, dispose of this O.A. leaving it open to the applicants to work out the remedies depending on the outcome of Civil Appeal No.5666/2017, pending before the Hon’ble Supreme Court.

There shall be no order as to costs.”

17. Thus, the order was passed on consent between learned Counsel for the parties, who submitted that the issue in controversy was pending before the Supreme Court. The Tribunal has passed no order on merits. It merely directed the parties should work out their rights



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on the basis of the decision of the Supreme Court in the Civil Appeal which was pending before it.

18. Four years after the aforesaid order was passed, the Ministry of Railways moved the Tribunal, stating that the matter which was pending in the Supreme Court, and to which the order was required to refer was not Civil Appeal 5666/2017 (***Running Staff Association & Ors. v. Union of India & Anr⁴***.) but Civil Appeal 3110/2016 (***Union of India & Anr. v. Kishan Lall Sharma & Ors⁵***).

19. Accordingly, the Tribunal, accepting this submission, corrected its order by the following order dated 31 January 2024:

“Order of The Tribunal

M.A. No.3750/2023 (correction)

This M.A. has been filed by the applicant for modification in paragraphs 5 & 6 of the order dated 02.04.2019 passed by this Tribunal in O.A. No.1042/2016.

The applicant submits that the reference of Civil Appeal No.5666/2017 (***Running Staff Association & others v. Union of India & another***) has been wrongly given in the order dated 02.04.2019 and the correct reference would be Civil Appeal No.3110/2016 (***Union of India & another V. Kishan Lall Sharma & others***). Learned counsel for the respondents submits that he has no objection if the M.A. to this extent is allowed.

In the above circumstances, we substitute the reference of Civil Appeal No.5666/2017 (***Running Staff Association & others v. Union of India & another***) with "Civil Appeal No.3110/2016 (***Union of India & another. Kishan Lall Sharma & others***)" in paragraphs 5 & 6 of the order dated 02.04.2019 passed in O.A. No.1042/2016.

⁴ Order dated 30 July 2025 in **Civil Appeal 5666/2017**

⁵ Order dated 22 February 2023 in **Civil Appeal 3110/2016**



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The M.A. is disposed of accordingly.

The Registry is directed to carry out the necessary corrections in the aforesaid order and issue a copy of revised order to the parties.”

20. We are frankly perplexed as to how the Union of India can even claim to be aggrieved by such an order, which was passed on consent between the parties and, in fact, at the instance of the Union of India itself. The Supreme Court has clarified in, *inter alia*, **Manjunath Tirakappa Malagi v. Gurusiddappa**⁶ and **Pushpa Devi Bhagat v. Rajinder Singh**⁷ that a consent order cannot be challenged, except by averring that the consent was granted without authorization, or contrary to law, in which case, too, the Court which recorded the consent would have to be moved in that regard.

21. RA 38/2025, which was filed pursuant to the liberty granted by this Court on 4 September 2024, acknowledged the fact that Civil Appeal 3110/2016, in **Union of India & Ors. v. Kishan Lall Sharma & Anr.** also stood decided by the Supreme Court, but sought to submit that the issue in controversy was again pending before the Supreme Court in certain other SLPs.

22. The Tribunal, to our mind, has very correctly dismissed the RA. The OA had been disposed of, by consent between learned Counsel for the parties, who submitted that the issue in controversy was pending before the Supreme Court in **Running Staff Association & Ors. v. Union of India & Anr.** which was subsequently corrected on

⁶ 2025 SCC OnLine SC 835

⁷ (2006) 5 SCC 566



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the application of the Union of India to ***Union of India & Ors. v. Kishan Lall Sharma & Anr.*** Admittedly, the said Civil Appeal stands decided by the Supreme Court.

23. Government servants cannot be compelled to litigate *ad infinitum* for their just and legal rights.

24. In that view of the matter, no case for review of the order passed by the Tribunal existed. The Tribunal has, therefore, correctly dismissed the review application by order dated 20 May 2026.

25. There is, therefore, no substance whatsoever, even on merits, to the challenge raised in the present writ petition to the orders dated 2 April 2019, 31 January 2024 and 20 May 2026 passed by the Tribunal.

26. This writ petition is, therefore, dismissed both on the ground of delay and laches as well as on merits.

C.HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

OCTOBER 15, 2026/AR