



\$~9

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

Date of decision: 08.08.2025

+ W.P.(C) 11877/2025
BHARATH NATARAJANPetitioner
Through: Ms.Subhi Pastor, Mr.Aditya
Trivedi, Advs.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr.P.S.Singh, CGSC with
Mr.Tarveen Singh Nanda, GP,
Ms.Minakshi Singh, Mrs.Annu
Singh, Mr.Ashutosh Bharti,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 48482/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 11877/2025

2. This petition has been filed by the petitioner, challenging the Order dated 27.03.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in M.A. No. 1272/2025 in O.A. No.1111/2025, titled ***Bharath Natarajan v. Science and Technology & Ors.***, whereby the learned Tribunal dismissed the application filed by the petitioner



herein seeking condonation of delay in filing of the O.A.

3. It is the case of the petitioner that he had participated in the recruitment process for the post of Technical Assistant (Post Code-2) in response to the Advertisement No.01-R/2016 issued by the National Institute of Science, Technology and Development Studies (NISTADS), New Delhi. In the result declared on 03.11.2017, he was declared successful. However, despite this, no Offer of Appointment was issued to him. The petitioner claims to have made repeated representations to the respondents, which remained unanswered.

4. The learned counsel for the petitioner, drawing our attention to an email dated 31.01.2019 addressed by one Mr. D.K. Aswal, *inter alia*, to the petitioner, submits that in response to the petitioner's representations, he was informed that the COA of the NISTADS would be fixing a meeting soon. However, in response to another representation, by a communication dated 18.11.2019, the petitioner was informed that the Offer of Appointment was not being processed because of the pendency of an application filed before the Chandigarh Bench of the learned Tribunal, being OA No.63/942/2018.

5. She further submits that although in the said reply, it was mentioned that there was some discrepancy in the question paper and answer key sets, in response to a query raised under the Right to Information Act, 2005, the petitioner was informed that there was no complaint available on record and no further comments could be offered as the matter was *sub-judice*. She submits that the petitioner had therefore patiently waited for a positive response from the respondents, and for the same, the petitioner cannot be non-suited.



6. Placing reliance on the Order dated 26.03.2025 passed by the Chandigarh Bench of the learned Tribunal in O.A. No.63/942/2018, titled *Ashwani Kumar Bhardwaj v. Union of India*, she submits that the learned Tribunal, by the said order, held that the respondents were in error in withholding the recruitment process merely because of the pendency of the said O.A. The learned Tribunal has directed that the selection process be completed within a period of three months and, if the applicant therein was found to be eligible, an Appointment Letter be issued to the applicant therein.

7. She submits that Mr. Ashwani Kumar Bhardwaj was the selected candidate for the Post Code-01, whereas the petitioner herein was the selected candidate for the Post Code-02 in the same selection process and, therefore, the petitioner is entitled to the same relief.

8. She further places reliance on the Judgments of the Supreme Court in *Mool Chandra v. Union of India & Anr.*, (2025) 1 SCC 625; as also on *Basawaraj & Anr. v. Special Land Acquisition Officer*, (2013) 14 SCC 81, to submit that the petitioner has been able to show sufficient cause for the delay in approaching the learned Tribunal.

9. We have considered the submissions made by the learned counsel for the petitioner; however, we find no force in the same.

10. As noted hereinabove, the result for the selection process in question was declared on 03.11.2017, in which the petitioner was declared successful. Despite this, the petitioner was not issued an Offer of Appointment. He made representations, in response to which, the respondent initially indicated that a meeting would be convened; however, by a communication dated 18.11.2019, the petitioner was



informed that his representation had been rejected.

11. We quote from the communication as under:

“As regards Sh. Bharath Natarajan, it is stated that he was a candidate for the post of Technical Assistant (Post Code-02) and he was placed at SI. No.1 in the merit list prepared for the Post Code -02 but the appointment letter cannot be issued to him because of the discrepancies found by the experts in question Paperl Answer Key sets in respect of Post Code -02 also. As regards the 'entire process' emphasized by Sh. Nararajan in his email dated 23.10.2019, it is clarified that entire process here means the process of recruitment pertaining to all three posts of Technical Assistant advertised vide our Advt. No. 01/R-2016 dated 28.03.2016.

In view of the facts and circumstances stated above, you are informed that it is not possible for us to accede to the request of Sh. Bharadwaj and Sh. Natarajan for issuing them appointment letters to the post of Technical Assistant as requested by them.”

12. While Mr. Ashwani Kumar Bhardwaj had challenged the non-issuance of an Offer of Appointment to him, by way of the O.A. No.63/942/2018 referred to hereinabove, the petitioner chose to remain silent and did not take timely action and slept over his rights. The petitioner approached the learned Tribunal with the above O.A. only on or about 26.02.2025, that is, after a delay of nearly seven years.

13. Being a matter concerning selection to a post, we are of the opinion that the learned Tribunal has rightly rejected the prayer for condonation of delay. Even if the petitioner's plea of having made representations to the respondents is accepted, the communication

