



2025:DHC:7866-DB



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

Date of decision: 08.09.2025

+ W.P.(C) 3601/2023 & CM APPL. 13954/2023
GOVERNMENT OF NCT OF DELHI THROUGH ITS CHIEF
SECRETARY & ORS.Petitioners

Through: Mrs.Avnish Ahlawat, SC,
GNCTD Services with
Mr.Nitesh Kumar Singh,
Ms.Aliza Alam, Mr.Mohish
Sehrawat, Advs.

versus

NEHA SINGHRespondent

Through: Mrs.Anjana Gosain,
Mrs.Shalini Nair and
Ms.Shreya Manjari, Advs.
(through VC)

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

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 07.10.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'Tribunal') in O.A. No.1129/2022, titled *Neha Singh v. Government of NCT of Delhi & Ors.*, allowing the O.A. filed by the respondent herein with directions to the petitioners to regularize the Child Care Leave ('CCL') of the respondent for the period from 16.02.2015 till



10.02.2017 in terms of the relevant Rules and release her salary for the period from 01.04.2015 till 28.04.2017, if due to her.

2. The grievance of the petitioners against the Impugned Order is that the learned Tribunal has, in a cursory and non-speaking manner, condoned the delay of the respondent in approaching the learned Tribunal.

3. It is the case of the petitioners that the respondent had been appointed as a Lecturer on 06.03.2012, and was posted at the Guru Nanak Dev Institute of Technology. She applied for maternity leave, which was allowed to her between 20.08.2014 and 15.02.2015. She also sought permission to visit the United States of America from 01.12.2014 to 15.02.2015, which was granted to her *vide* Memorandum dated 17.09.2014.

4. On 10.02.2015, she applied for grant of Child Care Leave (CCL) for six months, and without waiting for a response thereto, she proceeded to leave for the USA on 13.02.2015. The CCL was not sanctioned to the respondent, and she was informed about the rejection *vide* Memorandum dated 16.04.2015. However, instead of joining back, the respondent again applied for CCL for six months with effect from 16.02.2015 on 16.04.2015. This request was also rejected *vide* Memorandum dated 11.05.2015, and she was directed to rejoin her duties immediately. The respondent, however, instead of joining back, submitted further Applications dated 11.07.2015 and 07.08.2015 seeking extension of her CCL. The same were again rejected by the petitioner *vide* Letter dated 24.08.2015, and she was



again directed to rejoin her duties immediately.

5. The respondent eventually rejoined her duties on 13.02.2017, after the expiry of more than two years, and tendered her resignation on 28.04.2017. The same was accepted and, taking a lenient view, approval was granted to treat her absence between 16.02.2015 and 10.02.2017 as Half Pay Leave to the extent such leave was due to her account, and the period of excess leave was to be treated as Extra-Ordinary Leave.

6. It was only in the year 2022 that the respondent approached the learned Tribunal by way of the above O.A., and filed M.A. No.1233/2021 seeking condonation of delay. The said application was opposed by the petitioners by filing a detailed reply thereto.

7. The learned Tribunal, however, in a cursory manner and by way of the unreasoned Impugned Order, condoned the delay of the respondent in approaching the learned Tribunal. We quote from the Impugned Order as under:

“2. M.A. No. 1233 of 2021 has been filed by the applicant seeking condonation of delay. For the reasons mentioned therein, M.A. is allowed.”

8. The learned counsel for the petitioners submits that the mandate of Section 21 of the Administrative Tribunals Act, 1985 cannot be negated in such a casual manner. He places reliance on the judgments of the Supreme Court in *Union of India & Ors. v. M.K. Sarkar*, (2010) 2 SCC 59 and *D.C.S. Negi v. Union of India & Ors.*, (2018) 16 SCC 721.



9. On the other hand, the learned counsel for the respondent submits that the respondent had given a detailed justification for the delay in approaching the learned Tribunal. In support, she places reliance on the contents of the M.A. that had been filed by the respondent before the learned Tribunal seeking condonation of delay.

10. We have considered the submissions made by the learned counsels for the parties.

11. From a reading of the Impugned Order, we find that the learned Tribunal at the beginning of the order itself, allowed the application filed by the respondent seeking condonation of delay in filing of the O.A. by simply stating that the same was being allowed for the reasons mentioned in the M.A. There was no discussion, at that stage, of the reasons given in the application.

12. In the later part of the Impugned Order, the learned Tribunal itself recorded the detailed reply filed by the petitioners to the application seeking condonation of delay filed by the respondent, and noted the objection of the petitioners that the O.A. was barred by limitation. The learned Tribunal, however, thereafter, proceeded to consider the claim of the respondent on its merits. Therefore, the Impugned Order does not give any reasons for condoning the delay of almost six years of the respondent in approaching the learned Tribunal, except stating that it was being done for the reasons stated in the application for condonation of delay. The application at best explains the delay for the period beyond 2018; the request of the respondent for grant of the CCL had first been rejected by the



petitioners on 16.04.2015.

13. The Supreme Court in *M.K. Sarkar* (supra) emphasized that the issue of limitation should be considered by the Tribunal with reference to the original cause of action. In *D.C.S. Negi* (supra), the Supreme Court reiterated that the Tribunal cannot admit an application unless the same is made within the time specified in Section 21 of the Administrative Tribunals Act, 1985. It is the duty of the Tribunal to first consider whether the application is within limitation and if it is beyond the period of limitation, it can be admitted only if sufficient cause is shown for not filing the same within the prescribed period.

14. In the present case, as the learned Tribunal has not given any reasons for condoning the delay of the respondent in approaching the learned Tribunal by way of the above O.A., we are left with no option but to set aside the Impugned Order and remand the matter back to the learned Tribunal to first consider afresh the question of delay of the respondent in filing the above O.A.

15. The Impugned Order is, accordingly, set aside. The matter is remanded back to the learned Tribunal. The M.A. and the O.A. are restored back to their original numbers.

16. The learned Tribunal shall consider the question of delay afresh, and only if it decides to condone the delay, shall it thereafter proceed to consider the claim of the respondent on merits.

17. The learned counsel for the respondent submits that the respondent be given an opportunity to file a better affidavit to explain the delay.



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18. The respondent shall have such opportunity and may file a better affidavit explaining the delay. The petitioners shall also have an opportunity to file reply to such affidavit.

19. The parties shall appear before the learned Tribunal on 22nd September, 2025.

20. The learned Tribunal shall consider the M.A. afresh, preferably within a period of two months of its first listing before the learned Tribunal.

21. The petition, along with the pending application, is disposed of in the above terms.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 8, 2025/ns/SJ