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

Date of decision: 21st AUGUST, 2025

IN THE MATTER OF:

\+ **LPA 531/2025**

JAIPAL .....Appellant

Through: Mr. Dan Bahadur Yadav, Mr. Sauraj Yadav, Mr. Satyavijay Yadav, Advocates

versus

M/S SPICEJET LTD & ANR .....Respondents

Through: Ms. Nitika Bhutani, Advocate (Panel Counsel) for R-2/GNCTD

CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD
HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT (ORAL)

SUBRAMONIUM PRASAD, J.

1. Challenge in the present appeal is to the Order dated 09.05.2025, passed by the learned Single Judge of this Court in W.P.(C) 2075/2025.

2. The facts, in brief, leading to the present Appeal are as under:

   a. It is the case of the Appellant that he was appointed as Technician Man with the Respondent No.1 herein in 1994. As per the Appellant, when he first joined Respondent No.1, it was running in the name & style of M/s Modiluft Ltd. (M.G. Express Ltd.) and thereafter, the Respondent No. 1 transferred the Appellant to M/s Royal Airways and finally the name of the

company was changed to M/s Spicejet Ltd.

b. It is stated that services of the Appellant herein were terminated by the Respondent No.1 on 01.01.2002. It is the case of the Appellant that he was terminated without disclosing the reasons of termination and further he was also not paid his earned wages from 01.11.2001 till his termination. Consequently, the Appellant filed claims before the Conciliation Officer and on failure of the Conciliation Proceedings, the appropriate government *vide* order dated 28.08.2006 referred the following question to the industrial dispute :-

> "*Whether the action of the management of Modiluf/Royal Airways/Spice Jet Ltd. in terminating the services of Shri Jaipal S/o Shri Prabhu Dayat w.e.f 1.1.02 is just. fair and legal? if not, to what relief is the concerned workman entitled and from which date?*"

c. *Vide* Order dated 14.01.2010, the Central Government Industrial Tribunal (CGIT) dismissed the claims of the Appellant herein by holding that since the Appellant herein had admitted that no appointment letter was issued to him by M/s Modiluft Ltd. and further that the company closed in the year 1996, he could not have served in the company till 01.01.2002. The CGIT further held that the Airline business of M/s Modiluft Ltd came to end on 19.11.1996, when the permit to operate scheduled air transport service was not renewed by the Director General Civil Aviation and the company was re-launched as M/s Spicejet Ltd. in 2005 and the license was renewed on

17.05.2005, on which date the Appellant herein had already lost his service. The CGIT came to the conclusion that since the service of the Appellant herein had ended on 19.11.1996. The CGIT, therefore, rejected the claim of the Appellant herein that he was working with the Respondent No.1 till 01.01.2002.

d. Material on record discloses that instead of challenging the order dated 14.01.2010, the Appellant herein chose to raise a similar dispute before the Conciliation Officer once again on the same facts and on failure of the conciliation proceedings, the appropriate government, *vide* Order dated 20.10.2011, once again referred the dispute to the CGIT raising the following questions:

> *"Whether the action of the management of M/s, Spice Jet, New Delhi, in terminating the services of Shri Jai Pal son of Shri Prabhu Dayal, extechnician w.e.f. 1.1.2002 is just, fair and legal? To what relief the concerned workman is entitled to?"*

e. Material on record indicates that the only difference between the two references is the name of the Management. While in the first reference, the name of the Management was Modiluft/Royal Airways/Spice Jet Ltd., whereas in the second reference the name of the management is mentioned as M/s Spicejet Ltd.

f. *Vide* award dated 24.02.2012, the CGIT observed that since the previous award dated 14.01.2010 was valid and still subsisting, the appropriate government could not have referred the said

dispute afresh. Consequently, the second reference order was discarded.

g. This award was challenged by the Appellant herein by filing W.P.(C) 3482/2013 before this Court and *vide* Order dated 03.02.2014, the said Writ Petition was dismissed upholding the award dated 24.02.2012. More than 10 years after the dismissal of W.P.(C) 3482/2013, the Appellant herein filed CM APPL. 65401/2024 before the learned Single Judge challenging the previous award dated 14.01.2010 and *vide* Order dated 08.11.2024, the said application was dismissed as withdraw.

h. Award dated 14.01.2010 was once again challenged by the Appellant herein by filing W.P.(C) 2075/2025. The learned Single Judge *vide* Order dated 09.05.2025 dismissed the Writ Petition on the ground of delay and latches. It is this Order which is under challenge in the present Appeal.

3. The material on record discloses that the Appellant herein is abusing the process of law by raising the same ground again and again. Since the learned Single has not decided the case on merits, this Court is also desisting itself from going into the merits of the case and is only considering the question of delay in this Order. In the impugned Order, the learned Single Judge has held that no valid explanation has been given by the Appellant herein for the substantial delay of 3925 days in challenging the Order dated 14.01.2010 passed by the CGIT.

4. Heard the learned Counsels for the parties and perused the material on record.

5. The only ground taken by the Appellant is that during the pendency of

the award dated 14.01.2010, the Appellant approached the office of the Respondent several times and the Respondents assured the Appellant that in some other cases of the employees are pending adjudication and if a decision is taken in favour of those other employees, the Respondents would consider the case of the Appellant herein as well. It is also stated by the learned Counsel for the Appellant that there is no limitation which has been prescribed to challenge an Order passed by the Tribunal and, therefore, the question of limitation would not arise in filing the Writ Petition challenging the Order passed by the Industrial Tribunal. Apart from the above, the learned Counsel for the Appellant has also argued on lack of resources.

6. The learned Single Judge, *vide* the impugned Order, has held that the reasons given for delay are vague and insufficient. Though technically, the concept of limitation do not apply to writs, however, the Courts cannot permit litigants to raise stale claims and Writ Petitions can be rejected on the ground that the same has been filed after substantial delay. It is well settled that law is for the diligent and not for the indolent. It is also well settled that a party which is guilty of latches loses its right to pursue the remedy. The Apex Court in State of Madhya Pradesh v. Nandlal Jaiswal, (**1986) 4 SCC 566,** has observed as under:-

> *"24. **Now, it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The***

evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. When the writ jurisdiction of the High Court is invoked, unexplained delay coupled with the creation of third party rights in the meanwhile is an important factor which always weighs with the High Court in deciding whether or not to exercise such jurisdiction. We do not think it necessary to burden this judgment with reference to various decisions of this Court where it has been emphasised time and again that where there is inordinate and unexplained delay and third party rights are created in the intervening period, the High Court would decline to interfere, even if the State action complained of is unconstitutional or illegal. *We may only mention in the passing two decisions of this Court one in Ramana Dayaram Shetty v. International Airport Authority of India [(1979) 3 SCC 489 : AIR 1979 SC 1628 : (1979) 3 SCR 1014] and the other in Ashok Kumar Mishra v. Collector [(1980) 1 SCC 180 : AIR 1980 SC 112 : (1980) 1 SCR 491] . We may point out that in R.D. Shetty case, even though the State action was held to be unconstitutional as being violative of Article 14 of the Constitution, this Court refused to grant relief to the petitioner on the ground that the writ petition had been filed by the petitioner more than five months after the acceptance of the tender of the fourth respondent and during that period, the fourth respondent had incurred considerable expenditure, aggregating to about Rs 1.25 lakhs, in making arrangements for*

*putting up the restaurant and the snack bar**. Of course, this rule of laches or delay is not a rigid rule which can be cast in a strait jacket formula, for there may be cases where despite delay and creation of third party rights the High Court may still in the exercise of its discretion interfere and grant relief to the petitioner. But, such cases where the demand of justice is so compelling that the High Court would be inclined to interfere in spite of delay or creation of third party rights would by their very nature be few and far between. Ultimately it would be a matter within the discretion of the court; ex hypothesi every discretion must be exercised fairly and justly so as to promote justice and not to defeat it."***

(emphasis supplied)

7. Similarly, the Apex Court in Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu, **(2014) 4 SCC 108**, has observed as under:

"***16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant***

— a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis." (emphasis supplied)

8. The Apex Court in Yunus (Baboobhai) A. Hamid Padvekar v. State of Maharashtra, **(2009) 3 SCC 281,** after quoting the Judgment in Nandlal Jaiswal (supra) has observed as under:

*"**9**. It is also pointed out that Section 39(2)(a) is applicable only in respect of the undeveloped land, and in the instant case the land in question is developed land.*

***10**. "6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution of India. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in Durga Prashad v. Controller of Imports and Exports [(1969) 1 SCC 185 : AIR 1970 SC 769] . Of course, the discretion has to be exercised judicially and reasonably.*

7. What was stated in this regard by Sir Barnes Peacock in Lindsay Petroleum Co. v. Prosper Armstrong Hurd [(1874) 5 PC 221] (PC at pp. 239-40 was approved by this Court in Moon Mills Ltd. v. Industrial Court [AIR 1967 SC 1450] and Maharashtra SRTC v. Balwant Regular Motor Service [AIR 1969 SC 329] . Sir Barnes had stated : (Lindsay

case [(1874) 5 PC 221] , PC pp. 239-40)

'Now the doctrine of laches in courts of equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy, either because the party has, by his conduct, done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has, though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitations, the validity of that defence must be tried upon principles substantially equitable. Two circumstances, always important in such cases are, the length of the delay and the nature of the acts done during the interval, which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as it relates to the remedy.'

8. It would be appropriate to note certain decisions of this Court in which this aspect has been dealt with in relation to Article 32 of the Constitution. It is apparent that what has been stated as regards that Article would apply, a fortiori, to Article 226. It was observed in Rabindranath Bose v. Union of India [(1970) 1 SCC 84 : AIR 1970 SC 470] that no relief can be given to the petitioner who without any reasonable explanation approaches this Court under Article 32 after inordinate delay. It was stated that though Article 32 is itself a guaranteed right, it does not follow from this that it was the intention of the Constitution makers that this Court should disregard all principles and grant

relief in petitions filed after inordinate delay.

9. It was stated in State of M.P. v. Nandlal Jaiswal [(1986) 4 SCC 566 : AIR 1987 SC 251] that the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience and bring, in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third-party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction." [Ed. : As observed in Karnataka Power Corpn. Ltd. v. K. Thangappan, (2006) 4 SCC 322 at pp. 325-26, paras 6-9.]"

(emphasis supplied)

9. Applying the said reasoning to the facts of the present case, it can be seen that apart from the fact that the Appellant has been consistently abusing the process of law, the Appellant has tried to rake up a stale claim and that too after raising the second reference on the same question which has been dismissed by the Tribunal and challenge to the same has been dismissed by this Court.

10. The reasons given by the learned Single Judge in refusing to entertain the Writ Petition of the Appellant herein on the ground of delay and latches

does not warrant any interference by this Court.

11. Accordingly, the appeal is dismissed, along with the pending applications, if any.

SUBRAMONIUM PRASAD, J

VIMAL KUMAR YADAV, J

AUGUST 21, 2025
Rahul