

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No(s).1838/2026

[Arising out of impugned final judgment and order dated 02-09-2025 in WPC No.1964/2019 passed by the High Court of Delhi at New Delhi]

BHUPAL SINGH BHANDARI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 31402/2026 - CONDONATION OF DELAY IN FILING

Date : 09-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE PRASANNA B. VARALE

For Petitioner(s) : Mr. O P Agarwal, Adv.
Mr. Manish Kumar Gupta, AOR
Ms. Harshita, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. Heard the learned counsel appearing for the petitioner.
2. Delay in filing is condoned.
3. Perusing the impugned order, we notice that petitioner in this case is seeking for grant of Assured Career Progression - ACP financial benefits. The courts-below have clearly noted that petitioner retired on superannuation on 31.05.2003 and filed the Writ Petition before the High Court in the year 2019, i.e., on 23.02.2019, as such, there is an inordinate and unexplained delay of 16 years.
4. However, the learned counsel appearing for the petitioner would rely upon the order dated 05.05.2015 issued by the Department

Ministry of Home Affairs, Government of India, Directorate General, Sashastra Seema Bal to contend that after said notification was issued, an order came to be passed and the claim of the petitioner was turned down despite representations being submitted and same gave rise to the cause of action for the petitioner to invoke the extra-ordinary jurisdiction of the High Court by filing a Writ Petition under Article 226 of the Constitution of India.

5. This Court time and again have reiterated that for exercise of writ jurisdiction, the issue of limitation would not be a ground to delay the legitimate benefit that may flow from the right vested to an individual. However, such rights if not invoked at appropriate time and at appropriate stage, the extra-ordinary relief to be granted under Article 226 of the Constitution of India would not be granted. In the instant case, petitioner having superannuated in the year 2003 and till 2015, i.e., 05.05.2015, the date on which the Government of India issued the order, did not raise his little finger or in other words, he had gone to deep sleep. It is only when said order came to be passed, he woke up from his slumber and started submitting memorials and representations to revive the dead cause of action. This Court in *Karnataka Power Corporation Ltd. Through Its Chairman & Managing Director and Another Vs. K. Thangappan and Another*, reported in (2006) 4 SCC 322 has held that mere making of representations to the authority cannot justify a belated approach. It has been further held:

“10. It has been pointed out by this Court in a number of cases that representations would not be adequate explanation to take care of delay. This was first stated in *K.V. Rajalakshmiiah Setty v. State of Mysore* [(1967) 2 SCR 70 : AIR 1967 SC 993]. This was reiterated in *Rabindranath*

Bose case [(1970) 1 SCC 84 : AIR 1970 SC 470] by stating that there is a limit to the time which can be considered reasonable for making representations and if the Government had turned down one representation the making of another representation on similar lines will not explain the delay. In *State of Orissa v. Pyarimohan Samantaray [(1977) 3 SCC 396 : 1977 SCC (L&S) 424 : AIR 1976 SC 2617]* making of repeated representations was not regarded as satisfactory explanation of the delay. In that case the petition had been dismissed for delay alone. (See *State of Orissa v. Arun Kumar Patnaik [(1976) 3 SCC 579 : 1976 SCC (L&S) 468 : AIR 1976 SC 1639]* also.)"

6. In the light of the afore-stated position of law, we are not inclined to entertain the present petition directed against the impugned order and same has been rightly nipped at the bud on the ground of delay and laches. Hence, Special Leave Petition stands dismissed.

7. Pending application(s), if any, shall stand disposed of.

(NEHA GUPTA)
COURT MASTER (SH)

(AVGV RAMU)
COURT MASTER (NSH)