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

+ **W.P.(C) 13440/2025**

UNION OF INDIA AND ORS

.....Petitioners

Through: Mr.P.S. Singh, CGSC,
Ms.Minakshi Singh,
Mr.Ashutosh Bharti, Mr.Kumar
Saurabh, Mr.Rajneesh K.
Sharma, Advs.

versus

RUPESH KODWANI

.....Respondent

Through: Mr.Bhagat Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

ORDER

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02.09.2025

CM APPL. 55212/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 13440/2025 & CM APPL. 55211/2025

2. This petition has been filed, challenging the Order dated 16.01.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No.1805/2023, titled ***Rupesh Kodwani v. Union of India & Ors.***, allowing the said O.A. filed by the respondent herein with the following directions:

"5.3 For the reasons explained hereinabove, the OA is allowed with the following directions:

5.3 .1. The respondents shall recalculate the marks of the applicant with respect to



Answer Sheet No.4.

5.3.2 Present Answer Sheet No.6 to the examiner to evaluate the question that was not assessed. The examiner shall evaluate the question, award the appropriate marks, and update the total accordingly.

5.3.3 The applicant's result shall then be recalculated. If, after recalculation, the applicant attains merit over the last selected candidate, the applicant shall be promoted to the post of AAO by creating a supernumerary post, if necessary.

5.3.4 The applicant will be entitled to all consequential benefits, on actual basis from the date of joining the post and on notional basis from the date his juniors joined.”

3. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that the OA filed by the respondent was barred by limitation, as prescribed under Section 21 of the Administrative Tribunals Act, 1985. He submits that the result of the LDCE was declared on 01.10.2018, wherein the respondent was declared as unsuccessful. He applied for obtaining the photocopy of the answer-sheet only on 27.01.2021, that is, with the delay of more than two years. Even after getting the photocopies on 30.01.2023, the respondent first filed some representation, and thereafter, approached the learned Tribunal only on 20.05.2023 by way of the said O.A., that is, almost after five years of the declaration of the result. He submits that the learned Tribunal, however, has not considered the issue of limitation.

4. Issue notice.

5. Notice is accepted by Mr.Bhagat Singh, the learned counsel for



the respondent. He prays for and is granted two weeks' time to file the counter affidavit.

6. Rejoinder thereto, if any, be filed within a period of three weeks thereafter.

7. List on 12th January, 2026.

8. In the meantime, there shall be a stay on the enforcement of the Impugned Order.

NAVIN CHAWLA, J

MADHU JAIN, J

SEPTEMBER 2, 2025/Arya/VS