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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17418/2025, CM APPL. 71976/2025 and CM APPL. 71977/2025
UNION OF INDIA & ANR.Petitioners
Through: Mr. Jagdish Chandra Solanki,
CGSC with Mr. Siddharth Bajaj
and Mr. Sujeet Choudhary,
Advocates.

versus

RAJ KUMAR MANOCHARespondent
Through: None.

CORAM:
HON'BLE MR. JUSTICE ANIL KSHETARPAL
HON'BLE MR. JUSTICE AMIT MAHAJAN

% **ORDER**
02.02.2026

1. The present petition is filed under Article 226 of the Constitution of India assailing the order dated 11.11.2024 (hereafter '**impugned order**') passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi ('**CAT**') in O.A No. 4031/2023.
2. Briefly stated, the Respondent was initially appointed in Indian Railways Account Service in 1987 and during his posting, was allotted House No.23D, Railway Officers Colony, S.P Marg, New Delhi. In 2017, while the Respondent's request for transfer to Modern Coach Factory, Rai Bareilly was pending, he was transferred on promotion to East Coast Railway, Bhuvneshwar *vide* order dated 09.11.2017. The Respondent was granted permission to retain the government accommodation allotted to him for a period of eight months on account of his wife's sickness up to 16.07.2018. Thereafter, Petitioner No.2 *vide* order dated 15.11.2018,



informed the Respondent that the retention of government accommodation by him, from 17.07.2018 onwards, was unauthorized and that he was liable to pay damage rent for the entire period of unauthorized retention.

3. Subsequently, the Respondent was transferred to Modern Coach Factory, Rai Bareilly *vide* order dated 03.04.2019. The Respondent made a representation dated 15.04.2019 to the competent authority requesting to regularise the subject government accommodation in view of the Railway Board circulars including the circular dated 06.11.2018, by which Railway Officers/Staff were allowed to retain the railway accommodation upon payment of normal rent, which was rejected *vide* order dated 30.04.2019 and damage rent was imposed upon the Respondent with effect from 17.07.2018. Thereafter, the Respondent vacated the subject government accommodation on 10.05.2019.

4. The Respondent submitted a request to the Secretary, Railway Board, Rail Bhawan requesting for a waiver of the damage rent imposed upon him *vide* representation dated 19.07.2019, however, no decision was taken by the Railway Board.

5. The Respondent, upon gaining knowledge of the competent authority regularising government accommodations and waiving off damage charge in identical situations, made a fresh representation to the General Manager, Northern Railway dated 07.07.2022, followed by reminders dated 06.04.2023, 03.05.2023 and 16.06.2023.

6. The Senior Divisional Engineer (Estate), Indian Railways, *vide* order dated 13.07.2023 assessed the damage rent in respect of the subject government accommodation at Rs.20,60,450/-. Out of the aforesaid amount, Rs. 11,27,000/- was recovered from the Death-cum-Retirement Gratuity of the Respondent and the balance amount of Rs. 9,33,450/- was



directed to be paid by the Respondent to the Financial Advisor and Chief Accounts Officer, Northern Railway *vide* order dated 27.09.2023.

7. Aggrieved by the decision of the competent authorities, the Respondent filed an Original Application under Section 19 of the Administrative Tribunals Act, 1985. The learned CAT *vide* the impugned order quashed and set aside the orders dated 27.09.2023, 13.07.2023, 30.04.2019 and 15.11.2018 and passed the following directions:

8.2. In peculiar facts and circumstances of the case, the respondents are directed to put up the case of the applicant before the Railway Board for relaxation of damage charges and for passing the order of regularizing the Railway Quarter w.e.f 17.07.2018 till 10.05.2019. Thereafter, the respondents shall refund the amount recovered from the applicant after adjusting the license fees as per normal rates.

8.3. The aforesaid exercise shall be completed within a period of three months from date of receipt of the certified copy of the order, failing which the applicant shall be entitled to interest at the GPF rates.

8. The learned Central Government Standing Counsel submits that the impugned order is arbitrary, perverse and contrary to the binding instructions and circulars issued by the Railway Board.

9. He submits that the Respondent had already exhausted the maximum permissible retention period of eight months under Para 10.1 of the Railway Board's Master Circular No. 49 by 16.07.2018, and no further retention beyond such period was permissible.

10. He submits that the Petitioners sought the opinion of the Principal Chief Medical Director, Northern Railway, who explicitly found that the Respondent's wife was suffering from osteoarthritis and did not fulfil the condition of a "severe illness", which is mandatorily required for retention of government accommodation beyond permissible limit on medical grounds.

11. He submits that the direction of the learned CAT to refund the



recovered damage rent to the Respondent is perverse. He submits that the learned CAT after directing the Petitioners to consider the case of the Respondent cannot further give a positive direction to refund the recovered amount, after adjusting the license fees as per normal rates, to the Respondent.

12. The Petitioners have approached this Court, for the first time, only on 29.09.2025, that is, after more than 10 months of the passing of the impugned order. There is absolutely no justification given for this delay in filing of the petition.

13. In this regard, we may draw reference to the Judgment of the Hon'ble Apex Court in **Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu : (2014) 4 SCC 108**, wherein it was held 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.”

14. From the foregoing, it is evident that while no statutory limitation period is prescribed for instituting a writ petition under Article 226 of the Constitution, undue delay and laches may nonetheless defeat the petitioners' right to challenge the impugned order, as it could cause



prejudice to the opposite party.

15. From the record, it is evident that the claim of the petitioner to retain the accommodation was rejected pursuant to the opinion of Principal Chief Medical Director, Northern Railways who opined that the disease 'Osteoarthritis' does not fall in the category of severe illness.

16. As noted above, the petitioner was granted permission initially to retain the accommodation for a period of eight months on authorities agreeing that the respondent's wife was severely ill. It is also not disputed that the wife of the respondent had been suffering from 'Osteoarthritis' which is a chronic degenerative disease which, on an earlier occasion, was accepted by the Petitioner department to be a severe illness which led to the Respondent being granted permission to retain the accommodation.

17. In the opinion of this Court, the learned Tribunal rightly observed that 'severe illness' has also been described as prolonged indoor medical treatment or repeated indoor treatment and it cannot be a matter of dispute that chronic illness is a health condition or disease that is persistent or otherwise long lasting. It was held as under:

"7. 8 There is no clarity, as to what, were the medical records, which were available before Principal Chief Medical Director/Northern Railway. Even the said medical opinion has not been brought on record. Once on an earlier occasion, permission was granted to retain the government accommodation for a period of eight months on medical grounds, there is no occasion to deviate from the same and not to extend the said period on medical grounds. There is nothing on record to show that what circumstances led to form a different opinion. On the one hand "it has been opined that "Osteoarthritis is a chronic degenerative disease" and on the other hand, it was not accepted as "Severe Illness" as the patient was not admitted to the hospital at any given point of time. The same runs contrary to the letter and spirit of the power to relax. More importantly, "Severe Illness" has also been described as "prolonged indoor medical treatment or repeated indoor treatment to railway employee or any member of his/her family". It cannot be a matter of dispute that a chronic condition (also known as chronic disease or



chronic illness) is a health condition or disease that is persistent or otherwise long-lasting in its effects or a disease that comes with time.

7.9 The word "chronic" has been defined as under :

(a) "Happening or existing frequently or most of the time"- The Britannica Dictionary.

(b) A disease (such as asthma, coronary heart disease, or diabetes) that continues or occurs again and again for a long time : a medical condition of prolonged duration" - Merriam-Webster.

7.10 "Osteoarthritis" is a degenerative joint condition. It causes pain, swelling and stiffness, affecting a person's ability to move freely. Osteoarthritis is chronic and often progressive, so changes happen gradually over time. In severe cases, it can make the joint unusable and cause long-term pain. Some people feel pain even when resting. Being less physically active can lead to other conditions, including cardiovascular diseases, obesity and diabetes. Osteoarthritis can greatly reduce the quality of life. It makes movement painful and difficult, which can stop people from participating in home, work or social activities. This can lead to mental health impacts, trouble sleeping and problems in relationships - (World Health Organization)

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7.15 Once there is finding by the Principal Chief Medical Director that the applicant's wife suffered from "Osteoarthritis", which is a chronic degenerative disease, it cannot be accepted that the same would not fall in the category of "Serious Illness". The fact remains that vide RBE No. 119/2022 dated 29.09.2022 special license fee is not to be levied for retention of railway accommodation on account of "Serious Illness". Therefore, on the point of medical grounds alone, the case of the applicant has to succeed.

18. Considering the above, this Court finds no infirmity in the impugned order.

19. Additionally, in compliance of the impugned order, the case of the Respondent was placed before the Railway Board for considering relaxation of damage rent charges and for passing of an order of regularizing the railway quarter allotted to the respondent with effect from 17.07.2018 to 10.05.2019. However, the decision of the Railway Board, which has been placed on record, shows that the board has decided that the Respondent has been rightly charged the damaged rent and hence, his case for regularising the subject government



accommodation cannot be considered. The aforesaid decision is contrary to, and in direct disregard of, the directions issued by the learned CAT in the impugned order.

20. It is apparent that the consequential order has been passed by the Petitioner authorities despite there being a specific direction to the Petitioner to refund the amount recovered and after giving the benefit of relaxation of damage (penal charges).

21. Needless to say, the Respondent is at liberty to seek contempt or pursue other remedies in accordance with law.

22. In view of the above, this Court is not inclined to exercise its discretionary jurisdiction under Article 226 of the Constitution in the present case.

23. The present petition is dismissed. Pending applications also stand disposed of.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

FEBRUARY 02, 2026