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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment reserved on: 14.08.2026

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Judgment delivered on: 18.08.2026

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CNR No. DLHC010013092026

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LPA 25/2026 & CM APPL. 3541-42/2026

JAWAHARLAL NEHRU UNIVERSITY

.....Appellant

Through: Mr. Sukrit Seth, Mr. Karan Prakash,
Advs.

versus

KANTA DEVI

.....Respondent

Through: Mr. Abhik Chimni, Ms. Pranjal
Abrol, Mr. Gurupal Singh, Mr. Ayan
Dasgupta and Ms. Moksha Sharma,
Adv.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

J U D G M E N T**DEVENDRA KUMAR UPADHYAYA, C.J.****CM APPL No. 3540/2026**

1. This is an application seeking condonation of delay in filing the appeal. For the reasons stated in the application, the delay in filing the appeal is condoned. The application stands disposed of.

LPA 25/2026 & CM APPL. 3541-42/2026



2. Jawaharlal Nehru University (hereinafter referred to as the “**University**”) is in appeal against the judgment dated 31.07.2025 passed by the learned Single Judge whereby W.P.(C) No. 5455/2024 filed by the respondent has been allowed, accepting her claim for payment of monthly family pension with a further direction to the appellant/University to release arrears thereafter.

3. The facts in brief in this case are that late Mr. Dharambir Singh, husband of the respondent, was engaged as a casual labourer by the appellant/University since before 1993. He was thereafter appointed on an *ad hoc* basis *vide* an order dated 11.06.2001. Subsequent to his *ad-hoc* appointment, he was appointed on a regular basis *vide* order dated 19.10.2004; however, immediately after his regular appointment, he, unfortunately, passed away on 20.11.2004.

4. As per the record available before us on this intra-Court appeal, the respondent was given compassionate appointment to the post of Office Attendant on 03.03.2005 as her husband had passed away during his employment with the appellant/University. She made representation on 25.06.2018, after about 14 years from the date of death of her husband, claiming therein that she be paid family pension along with arrears thereafter. Her claim, however, for payment of family pension was rejected *vide* communication dated 02.09.2019, and it was informed to the respondent that since her husband, at the time of appointment on regular basis *vide* appointment order dated 19.10.2004 was not medically examined and as per the Government of India’s decision on family pension taken on 27.01.1979, no one could be appointed in a pensionable establishment



without being medically examined and found fit. The respondent, thereafter, again represented her case for payment of family pension on 23.02.2022, and the said request was again rejected *vide* communication dated 30.05.2022 in view of the reasons as given in the earlier communication dated 02.09.2019. It is these two communications dated 02.09.2019 and 30.05.2022 that were challenged by the respondent by filing W.P.(C) No. 5455/2024, which has been allowed by the learned Single Judge by the impugned judgment.

5. We have heard the learned counsel for the parties. The learned Single Judge in the impugned judgment has relied upon Clause 9 of Chapter XIII of the Handbook on Personnel Officers, 1987 (hereinafter referred to as the “**Handbook**”) and has held that as per aforesaid Clause 9 of Chapter XIII, if a person who is already in employment of the Government and has already undergone medical examination, in such a case, fresh medical examination will not be necessary. The provisions contained in Clause 9 of Chapter XIII of the Handbook are extracted herein below:

“(9) The following further decisions of general nature have been reached in consultation with the Ministry of Health and the Ministry of Home Affairs (Now Department of Personnel & Trg):

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xxxx

xxxx

xxxx

*(iv) In case where the rules for recruitment to new appointment prescribe a fresh medical examination in respect of all candidates, all directly recruited/selected candidates, irrespective of whether they are already in permanent or quasi-permanent Government service in the same or in other Department or are fresh appointees, should undergo a medical examination by the prescribed standard and by the prescribed medical authority, **provided that a fresh medical examination will not be necessary in the case of:***



(a) a person who is already in employ of the Government and has already undergone medical examination by a medical authority which are recognised by the appointing authority as equivalent to those prescribed for the new appointment for which he is recruited or selected and

(b) a person who is already in permanent or quasi-permanent employ in the same line, and being eligible for promotion to the new appointment against a promotion quota of vacancies, is actually so promoted.

[M/o Finance OM No. 55 (ii) -EV/59, dated 12-2-60]

NOTE:- A person who has already been medically examined by the prescribed medical standards and the appropriate medical authority, should not be subjected to fresh medical examination at the time of his appointment to the new post, irrespective of the fact whether that person was permanent, quasi-permanent or temporary in his previous appointment.

6. Based on documents available on record the learned Single Judge also returned a finding that since at the time of his *ad-hoc* appointment *vide* appointment order dated 11.06.2001, the husband of the respondent had undergone medical examination and only then he was appointed on *ad-hoc* basis as such in view of the provisions contained in Clause 9 of Chapter XIII of the Handbook, if pension to the respondent was being denied, the same is untenable.

7. The learned Single Judge has also quoted the averments by the appellant from the counter affidavit filed before him in the proceedings of the writ petition wherein it was, *inter alia*, stated that “*deceased husband, Sh. Dharambir Singh, of the Petitioner was appointed as Office Attendant on ad hoc basis in the university vide Officer Order No 393/2001 dated*



28.06.2001 w.e.f 12.06.2001 after submission of medical examination certificate by Dr. SB. Aggarwal, Medical Officer, Health Centre, JNU”.

8. In view of the aforesaid admission by the appellant University that at the time of his *ad hoc* appointment on 11.06.2001, the husband of the respondent had undergone medical examination, denying the benefit of pension to the respondent would not be permissible as Clause 9 of Chapter XIII of the Handbook clearly provides that a person who has already undergone medical examination should not be subjected fresh medical examination at the time of his appointment irrespective of the fact whether the person was permanent, quasi permanent or temporary in his previous appointment.

9. We do not see any reason to take a view different from the view taken by the learned Single Judge while coming to the aforesaid conclusion; however, the submission made on behalf of the appellant as regards the issue relating to payment of arrears of past period needs our consideration.

10. The husband of the respondent, having been appointed on a regular basis on 19.10.2004, hardly worked for a period of one month and passed away on 20.11.2004. Thereafter, the respondent was also given an appointment on compassionate grounds against the post of Office Attendant on 03.03.2005; however, for the first time, she laid her claim for payment of family pension only in the year 2018 when she made a representation dated 25.06.2010 to the authorities of the University requesting for payment of family pension. The said request was, as noticed above, rejected by the appellant University by communication dated 02.09.2019 and, thereafter,



again reiterated the request for payment of family pension only on 23.02.2022, which too was rejected *vide* order dated 30.05.2022.

11. Admittedly, there is no reasonable explanation for demanding the family pension firstly from the authorities of the University and, thereafter, filing the underlying writ petition. The delay is substantial as she approached the authorities of the appellant University claiming family pension after a lapse of a period of about 14 years from the date of death of her husband. In these circumstances, the question is as to from which date she should be awarded the arrears of pension. This issue is no longer *res integra* as it stands decided by the Hon'ble Supreme Court in the case of ***Union of India v. Tarsem Singh***, (2008) 8 SCC 648.

12. The Apex Court in the said judgment discussed the concept of 'continuing wrongs' and 'recurring/ successive wrongs'. It was observed that a continuing wrong refers to a single wrongful act which causes continuing injury, whereas recurring/ successive wrongs are those which occur periodically; each wrong gives rise to a distinct and separate cause of action.

13. Referring to an earlier judgment of the Apex Court in the case of ***Shiv Dass v. Union of India***, (2007) 9SCC 274, it has been held in ***Tarsem Singh*** (supra) that 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 to the third parties.



14. The reference made by the Hon'ble Supreme Court in **Tarsem Singh** (supra) to the judgment in **Shiv Dass** (supra) can be found in paragraph 6 of the judgment which is extracted as under:

“6. In Shiv Dass v. Union of India [(2007) 9 SCC 274 : (2007) 2 SCC (L&S) 395] this Court held: (SCC p. 277, paras 8 & 10)

“8. ... 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.

10. In the case of pension the cause of action actually continues from month to month. That, however, cannot be a ground to overlook delay in filing the petition. ... If petition is filed beyond a reasonable period say three years normally the Court would reject the same or restrict the relief which could be granted to a reasonable period of about three years.””

15. **Tarsem Singh** (supra), however, summarized the law and came to the conclusion that normally, a belated service-related claim ought to be rejected on the ground of delay and laches; however, one of the exceptions to the said rule is a case relating to a continuing wrong. The Court further observed that where a service-related claim is based on a continuing wrong, relief can be granted even if there is a long delay with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. The Court further observes that if the grievance is in respect of any order or administrative decision which relates to or



affects several others, and if the re-opening of such an issue would affect the settled rights of third parties, then the claim will not be entertained.

16. In ***Tarsem Singh*** (supra), the Hon'ble Supreme Court gave an example where delay would render the claim not entertainable, such as in the case where the claim relates to issues relating to seniority or promotion etc., which may affect third parties. However, the Hon'ble Supreme Court has also observed that insofar as the relief of recovery of arrears for past period is concerned, the principle relating to recurring/ successive wrong will apply but in such cases though the Court can entertain such a claim, however, it will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition. The paragraph 7 of the judgment in ***Tarsem Singh*** (supra) in this regard is extracted herein below:

“7. To summarise, normally, a belated service related claim will be rejected on the ground of delay and laches (where remedy is sought by filing a writ petition) or limitation (where remedy is sought by an application to the Administrative Tribunal). One of the exceptions to the said rule is cases relating to a continuing wrong. Where a service related claim is based on a continuing wrong, relief can be granted even if there is a long delay in seeking remedy, with reference to the date on which the continuing wrong commenced, if such continuing wrong creates a continuing source of injury. But there is an exception to the exception. If the grievance is in respect of any order or administrative decision which related to or affected several others also, and if the reopening of the issue would affect the settled rights of third parties, then the claim will not be entertained. For example, if the issue relates to payment or refixation of pay or pension, relief may be granted in spite of delay as it does not affect the rights of third parties. But if the claim involved issues relating to seniority or promotion, etc., affecting others, delay would render the claim stale and doctrine of laches/limitation will be applied. Insofar as the consequential relief of recovery of arrears for a past period is concerned, the principles relating to recurring/successive wrongs will apply.



As a consequence, the High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.”

17. In view of what has been held in **Tarsem Singh** (supra), we are of the opinion that the impugned judgment rendered by the learned Single Judge insofar as it directs release of arrears of the family pension to the respondent, needs to be modified to the extent that respondent shall be entitled to arrears of family pension to a period of three years prior to the date of institution of the writ petition.

18. The respondent had filed the writ petition on 08.04.2024. Accordingly, we modify the impugned judgment dated 31.07.2025 passed by the learned Single Judge and direct that the respondent shall be paid monthly family pension as may be admissible to her from the date of the impugned judgment, i.e., 31.07.2025. However, the arrears of pension shall be paid to her for a duration of a period of three years prior to the date of filing of the writ petition, i.e., 08.04.2024.

19. The appeal is, thus, disposed of in the aforesaid terms. No order as to costs.

(DEVENDRA KUMAR UPADHYAYA)
CHIEF JUSTICE

(TEJAS KARIA)
JUDGE

AUGUST 18, 2026
N.Khanna