

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

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Date of decision: 6th November, 2012

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LPA No.700/2012

HARJIT KAUR

..... Appellant

Through: Mr. Sanjeev Bhatnagar & Mr. Nitin
K. Gupta, Advs.

Versus

**THE PRINCIPAL, SGTB KHALSA
COLLEGE & ORS.**

..... Respondents

Through: Mr. A.P.S. Ahluwalia, Sr. Adv. with
Mr. S.S. Ahluwalia, Adv. for R-1.
Mr. Mohinder Jeet Singh Rupal &
Ms. Vasundhra Rastogi, Advs. for R-
3&4.

CORAM :-

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

RAJIV SAHAI ENDLAW, J

1. This intra-court appeal impugns the order dated 31.08.2012 of the learned Single Judge of this Court of dismissal of W.P.(C) No.5401/2012 preferred by the appellant. The learned Single Judge dismissed the writ petition finding the same to be a third round of litigation and the issues raised therein to be barred by laches.

2. Notice of this appeal was issued on the contention of the counsel for the appellant that the appellant was only seeking release to the appellant of what had been admitted to be due to the appellant in the earlier rounds of litigation. The counsel for the appellant in this regard had invited our attention to the letter dated 07/21.09.1995 of the respondent No.1, Principal, SGTB Khalsa College to the appellant informing the appellant that her request for restoring her seniority as Senior Assistant vis-à-vis Mr. Manjit Singh had been accepted and the appellant shall be deemed to have been promoted with effect from 21.01.1993. The appellant had further drawn our attention to the order dated 29.08.2011 in W.P.(C) No.5112/1998 preferred by the appellant and in Para No.5 whereof, it was noticed that the supersession of the appellant vis-à-vis Mr. Manjit Singh had been restored vide letter dated 07/21.09.1995 supra.

3. The senior counsel for the respondent No.2 SGTB Khalsa College however contends that the said letter dated 07/21.09.1995 was controverted by the respondent No.2 in W.P.(C) No.5112/1998. He has in this regard shown to us from his file a copy of the reply dated 23.02.1999 filed by the respondent No.2 SGTB Khalsa College to W.P.(C) No.5112/1998, in Para No.3 whereof it was denied that the seniority of the appellant vis-à-vis Mr.

Manjit Singh was reversed vide the said letter; in Para No.4, it was further pleaded that the Principal who purported to have issued the said letter was not the appropriate authority for appointment or for the promotion of any employees in the College. The senior counsel for the respondent No.2 SGTB Khalsa College has also invited our attention to the University Non-Teaching Employees (Terms and Conditions of Service) Rules, 1971 of the University of Delhi in this regard to demonstrate that the Principal was not empowered to restore the seniority of the appellant.

4. We may in this regard notice that the letter dated 07/21.09.1995 itself records that the same was subject to the approval of the University Authorities and the College Governing Body. We have enquired from the counsel for the appellant as to whether such restoration of seniority of the appellant was approved by the University Authorities or the College Governing Body. The counsel states that the appellant would not know of the same and the respondents themselves would know of the same.

5. From the aforesaid, it is obvious that the said letter not only has been the subject matter of the earlier two proceedings but the claim on the basis thereof in a writ petition filed in the year 2012 was correctly held by the learned Single Judge to be barred by laches. As far as the order dated

29.08.2011 supra is concerned, the part thereof on which reliance is placed by the appellant is not a finding of the Court but a statement of the counsel for the appellant himself, inasmuch as else W.P.(C) No.5112/1998 was dismissed.

6. We therefore do not find any merit in this appeal and dismiss the same.

No costs.

RAJIV SAHAI ENDLAW, J

CHIEF JUSTICE

NOVEMBER 06, 2012
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