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

% *Judgment delivered on: 5th November, 2012*

+ **W.P.(C) 6938/2012**

B.K.ROHTAGI

..... Petitioner

Through: Mr.Mohit K. Shah, Advocate.

versus

GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

SURESH KAIT, J. (Oral)

CM No.18041/2012 (for exemption)

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

+ **W.P.(C) 6938/2012**

1. Vide the instant petition, the petitioner seeks issuance of directions to the respondents to condone the period of interruption between two spells of service rendered by him in Rohtagi A.B. Senior Secondary School, Delhi i.e. the period from 07.07.1969 to 02.11.1970 and count the pre-interruption service as qualifying service for the purposes of calculation of the retirement benefits.

2. He also seeks directions to treat the period starting from 04.09.1956 to 30.09.1998 as the period of qualifying service for the purposes of calculation of retirement benefits and grant all consequential benefits upon condonation of the period of interruption in service.
3. Brief facts of the case are that on 04.09.1956, the petitioner was appointed as a Laboratory Assistant in the respondent No. 5/School. On 01.12.1959, he was promoted to the post of LDC.
4. Thereafter, on account of decrease in the enrolment in the said School, the petitioner was retrenched by the respondent School on 06.07.1969. However, on 03.11.1970, he was again appointed by respondent No.5/School, which was subsequently approved by respondents No. 2 to 4.
5. The Delhi Administration (Education Department) issued a Notification No. F.4-4(56)74-83/Accts-1/ dated 25.03.1983 regarding “automatic condonation of interruption between two spells of service rendered by a teacher in an aided school and treating the pre-interruption service as qualifying service.”.
6. Thereafter, vide letter dated 01.03.1990, petitioner filed a representation seeking condonation of the period of interruption in service, which was forwarded by the respondent No.5 to the Deputy Director of Education, Delhi Administration, New Delhi. But the petitioner did not get any response.
7. The petitioner superannuated on 30.09.1998, whereafter his son had expired leading to the petitioner becoming unstable mentally, thus, he went into a state of depression.

8. Though the petitioner filed a number of representations to respondents No. 2 to 5 from 12.06.1999 to 24.08.2000, but having received no response, he was compelled to file OA No. 2483/2010 before the Central Administrative Tribunal (CAT), Principal Bench, New Delhi, which was dismissed vide order dated 27.10.2010 on jurisdiction.

9. Thereafter, after the gap of two years, the petitioner has approached this Court by way of the instant writ petition.

10. Admittedly, the petitioner was superannuated on 30.09.1998. Due to the death of his son, he could not challenge the grievances before the Court of Law. Subsequently, after about twelve years, he filed the aforesaid OA No. 2483/2010 before the CAT, which was also dismissed by the learned Tribunal vide its order dated 27.10.2012 on jurisdiction. Pursuant thereto, the instant petition is filed even after more than two years. Moreover, he is seeking directions to treat the period starting from 04.09.1956 to 30.09.1998, the period for qualifying service for retirement benefits by condoning the period from 07.07.1969 to 02.11.1970.

11. In view of the facts and circumstances of the case, I am not inclined to entertain the instant petition as the same is lacking on account of delay and laches.

12. Accordingly, the instant writ petition is dismissed with no orders as to costs.

SURESH KAIT, J.

NOVEMBER 05, 2012

Sb/jg