

Court No. - 1

Case :- WRIT - A No. - 7968 of 2023

Petitioner :- Vikas Awasthi

Respondent :- Union Of India Thru. Secy. Ministry Of Defence, Govt. Of India, New Delhi And Others

Counsel for Petitioner :- Karuna Shankar Bajpai, Uma Kant Mishra

Counsel for Respondent :- A.S.G.I.

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned counsel for the petitioner and Shri Mahendra Kumar Mishra, learned counsel for opposite party nos.1 to 4.
2. It appears that the Original Application No.187 of 2010 raising a grievance in respect of compassionate appointment under the Dying in Harness Rules was listed before the Tribunal on 14.02.2014 and the same was dismissed for want of prosecution.
3. An application for recall of the said order which came to be listed on 25.11.2016 was also dismissed for want of prosecution on 25.11.2016.
4. The petitioner appears to have filed an application for recall of the order dated 25.11.2016 for restoration of the recall application whereby the dismissal of the Original Application on 14.02.2014 was sought to be recalled.
5. This application, as per the impugned order, was filed more than three and a half years after dismissal of the recall application. The tribunal has gone into the aspect of delay in detail and has finally come to a conclusion that no case for condonation of delay was made out. On considering the

submission of the learned counsel for the parties, the learned Tribunal has rendered a detailed judgment.

6. We have carefully gone through the judgment impugned here in this writ petition whereby the delay condonation application for seeking recall of the order dated 25.11.2016 was rejected.

7. We do not find any merit in the contentions raised before us by the petitioner and more so when the case at hand is a case of compassionate appointment pertaining to the year 2005. It is too late to raise the grievance after 18 years from the date of death of petitioner's father.

8. The writ petition being bereft of any merit is **dismissed**.

Order Date :- 13.10.2023

Mohd. Sharif