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

+ **W.P.(C) 3686/2015**

TEJVEER SINGH

..... Petitioner

Through: Mr Saumyen Das, Adv.

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr Jasmeet Singh, CGSC.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

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17.04.2015

CM No. 6568/2015 (Exemption)

1. Allowed subject to just exceptions.

WP(C) 3686/2015

2. The prayer made in the writ petition, is that, on account of negligent, callous and arbitrary acts of the respondents, petitioner has suffered mental harassment, and therefore, he should be awarded compensation. The compensation, though, is not quantified.

3. The background in which the petitioner has approached this court is, briefly, as follows:

3.1 It appears, that respondents had taken out an advertisement in Uttar Pradesh Rojgar Digest, on 01.08.1982, for seeking applications for enlistment in the Indian Air Force. The petitioner, evidently, applied for Group-II Technical post.

3.2 It appears, that after undergoing a process of section, on 15.12.1982,

the petitioner was issued a call letter.

3.3 It is also the case of the petitioner that, on 31.01.1983, he was called upon to report to Air Selection Centre, Race Course Road, Air Force Station, New Delhi.

3.4 The petitioner further avers that he was finally selected, and this, aspect was reflected in the final selection test result published on 26.03.1983. According to the petitioner, he was found suitable for appointment in the Electronic Stream II.

3.5 It is further stated by the petitioner that, vide a communication dated 28.11.1983, he was asked to report to the Warrant Officer, Air Selection Centre, Race Course, New Delhi on 22.12.1983. The purpose, apparently being, that the petitioner was to be given a Railway warrant to travel to Belgaum.

3.6 The petitioner further avers that, on 26.12.1983, he approached the respondents for obtaining the Railway Warrant to proceed to Belgaum when, he was informed that he had found as having lacked the necessary qualification for being absorbed as airman in the Indian Air Force.

4. Being aggrieved, the petitioner appears to have made a representation dated 14.02.1984 to the Ministry of Defence, with respect to the same. Consequently, vide letter dated 24.02.1984, the petitioner was informed that he did not have the necessary qualification as, at the intermediate level, he had not studied mathematics.

4.1 Thereafter, all that the petitioner did, was to make representations. These representations were made between 1984 to 1993.

5. Evidently, on 10.02.1994, the petitioner was informed, for the first

time, that the records had been destroyed as, in the interregnum, more than ten years had elapsed. Thereafter, in several communications, the same stand was taken by the respondents. These communications are dated 10.02.1995, 08.10.1997, 27.11.2006 and 02.02.2010.

6. Aggrieved by this stand of the respondents, the petitioner, preferred a writ petition in this court, which was numbered as : WP(C) No. 9090/2011. In the said writ petition, apparently, the petitioner had made a prayer that the respondents should reconsider his case for appointment, and that, he should be paid salary and other benefits.

6.1 This court, vide order dated 23.12.2011, dismissed the said writ petition, on the ground of delay and laches. A special leave petition, preferred against the order of this court, was also dismissed vide order dated 27.07.2012.

7. It is in these circumstances, that the instant writ petition has been filed. According to me, the writ petition is not maintainable as, even if the petitioner were to file a suit for damages and claim compensation, the same will be barred by time. The petition is woefully delayed and, therefore, cannot be entertained.

7. The writ petition is, accordingly, dismissed. There shall be, however, no order as to costs.

RAJIV SHAKDHER, J

APRIL 17, 2015

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