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

+ W.P.(C) 5015/2015

ASHOK KUMAR

..... Petitioner

Through Mr. C. Hari Shankar, Sr. Adv. with
Mr.Jagdish, Adv.

versus

REGISTRAR GENERAL, DELHI HIGH COURT & ANR

..... Respondents

Through Mr. Sanjoy Ghose, Adv. for R1.
Ms. Latika Chaudhary, Adv. for
Ms.Amish Ahluwalia, Adv. for R2.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ASHUTOSH KUMAR

ORDER

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21.05.2015

This writ petition filed in May, 2015 impugns the order dated 16.12.2009 passed by the Appellate Authority, affirming punishment of compulsory retirement imposed by the disciplinary authority. The writ petition filed after nearly six years suffers from delay and laches. No attempt has been made to explain this extraordinary delay.

The writ petition does not list any procedural lapse or violation of rules in the disciplinary or the inquiry procedure followed by the Disciplinary Authority and the Appellate Authority.

Our attention was drawn to paragraph 8 of the order passed by the Appellate Authority dated 16.12.2009; that the hearing of the appeal was deferred to afford an opportunity to the petitioner herein,

who had stated that his mother had withdrawn money from the bank for being paid to Rajender and that, when the CBI had conducted the raid, the petitioner was nervous and had blurted out that Pankaj had given money to him.

Our attention is also drawn to the alleged photocopy of the passbook of Suresh Kumari, which has entries of Rs.3 lakhs and 1 lakh.

The petitioner herein was working as a peon in the Court of Special Metropolitan Magistrate. In a surprise check conducted by the CBI on 02.09.2005, Rs.11,640/- were found in different pockets of his pant and shirt. At that time, the petitioner had stated that Rs.5,000/- had been given to him by Pankaj and the remaining was his personal money. He did not give the present explanation. He did not claim or state that the money recovered was given to him by his mother. In reply dated 9.1.2006, the petitioner had stated that he had borrowed Rs.10,000/- at the time of his marriage from his friend Rajinder. In his subsequent representation/reply dated 19.11.2008, the petitioner claimed that he had borrowed Rs.10,000/- from Rajinder and was carrying Rs.11,640/- as he had to refund Rs.10,000/- to Rajinder. We have noticed the said facts to ascertain and verify whether equity and justice would mandate ignoring and overlooking the unexplained and prolonged delay. It is to be noted that the marriage of the petitioner was solemnised on 01.02.2005.

As observed above, this writ petition is highly belated and bad for latches. We are not inclined to issue notice and the writ petition is accordingly dismissed.

SANJIV KHANNA, J

ASHUTOSH KUMAR, J

MAY 21, 2015

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