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

Date of Decision: September 23, 2015

+ **W.P.(C) 9128/2015 & C.M. 20757/2015**

MAHESH CHANDRA GURANI Petitioner
Through: Mr. Vimal Wadhawan, Advocate

versus

TATA POWER DELHI DIST. LTD. Respondent
Through: Mr. Abhay Kumar, Advocate

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

In this petition, a direction is sought to respondent to grant time bound promotion scale of Executive Engineer to petitioner w.e.f. 7th July, 1997 and the scale of Superintendent Engineer w.e.f. 7th July, 2015 with consequential benefits.

Petitioner had taken voluntary retirement in September, 2006 and now in the year 2015, the aforesaid relief is being claimed. This petition is apparently hit by delay and latches.

To overcome the delay aspect, learned counsel for petitioner

submits that petitioner confines the relief claimed to the last three years only and that in W.P.(C) 2237/2002, similar relief already stands granted and so, petitioner also deserves similar relief as claimed in this petition.

Learned counsel for respondent had drawn attention of this Court to a Division Bench decision of this Court in *Deepak Mohan Sethi & ors. Vs. BSES Rajdhani Power Ltd. & anr.* 2014 SCCOnline Del 2886 to submit that similar petitioner already stands dismissed on the ground of delay and latches and also on the ground that the similarly placed persons had taken voluntary retirement without any demur or protest. It is submitted by learned counsel for respondent that the decision in *Deepak Mohan Sethi (Supra)* has been affirmed by the Apex Court. Thus, dismissal of this petition is sought.

At this stage, learned counsel for petitioner submits that in *Deepak Mohan Sethi (Supra)* relied upon by respondent has no application to the facts of the instant case, as the aforesaid decision was based upon 'Special Voluntary Retirement Scheme' whereas petitioner had sought voluntary retirement simplicitor under Section 48-A of *The Pension Rules*.

After hearing counsel representing both the sides and in the facts and circumstances of this case, it is deemed appropriate to direct respondent to treat this writ petition as Representation and to decide it within twelve weeks by passing a speaking order while taking into consideration the applicable rules and regulations, the decision relied upon and in view of the fact that petitioner has confined his claim to the last three years only. Since petitioner confines his claims to the last three years, therefore, objection of delay and latches would be no longer

available to the respondent. The fate of the Representation be conveyed to petitioner soon thereafter.

With aforesaid directions, this petition and application are disposed of.

(SUNIL GAUR)
JUDGE

September 23, 2015

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