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

+ **W.P.(C) 2282/2016**

YASH PAL SINGH

..... Petitioner

Through Mr. S.C. Sagar & Mr. Ravindra Kumar,
Advocates.

versus

DELHI POLICE & ORS.

..... Respondents

Through Mr. Devesh Singh, ASC & Mr. Harvinder
Oberoi, Advocates for respondent Nos. 1, 2 and 3.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

18.03.2016

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CM No. 9829/2016

Exemption application is allowed, subject to all just exceptions.

W.P.(C) 2282/2016

The OA No. 3080/2014 was dismissed by the Central Administrative Tribunal by the impugned order dated 3rd July, 2015 on the ground of limitation. The petitioner submits that a number of representations were made in the year 2013 and these were rejected by the respondent vide reply dated 15th October, 2014, hence the petitioner had invoked jurisdiction of the tribunal. Thus, there was no delay.

2. The contention in the facts of the present case has to be rejected. The

petitioner claims that he should have been promoted as a head constable in the year 1994 or soon thereafter, as he had solved a blind murder case in the said year. His exemplary devotion to duty was felicitated and acknowledged as he was given cash reward, but he was wrongly not promoted as a Head Constable.

3. The petitioner claim to promotion as head constable is predicated on his acts and deeds in the year 1994. The first representation by the petitioner making a claim for out of turn promotion as a head constable was made on 18th March, 2013, after about nineteen years. The response given by the respondents, dated 15th October, 2014 reads as under:-

“OFFICE OF THE COMMISSIONER OF POLICE:
DELHI

Subject: Representation submitted by Constable (Exe.)
Yash Pal Singh, No. 1096/C now Head Constable
No. 2126/NDD for out of turn promotion in
connection with solving the blind of murder.

Reference your office memo No. 2218/CR (RC)/New
Delhi District dated 09/04/2013, on the subject cited above.

The representation of Ct. (Exe.) Yashpal Singh, No. 1096/C now HC No. 2126/ND (28861251) for grant of OTB has been examined in this Hdqrs. and it has been found that the matter is pertaining to the year 1994. Neither any citation for grant of Out of Turn Promotion to the representationist has been received in this Hdqrs. from quarter concerned nor has he submitted any application/representation earlier. He has submitted the instant representation after about 19 years. The contentions raised by the HC in his representation have no force.

Therefore, his representation has been rejected by the competent authority. He may be informed accordingly.

Sd/
(G.S. Wana)A.DCP/ESTT.
For Commissioner of Police, Delhi

DCP/New Delhi District
No. 61787/CB-IV/PHQ,
Dated 15/10/2014”

4. Reading of the response is illustrative that the respondents had rejected the representation as belated, made after nineteen years.
5. The petitioner claim seeking out of turn promotion after 19 years was stale and obsolete. The tribunal has rightly dismissed the OA, after referring to *C. Jacob versus Director of Geology and Mining and Another*, (2008) 10 SCC 115 and *Union of India and Others versus M.K. Sarkar*, (2010) 2 SCC 59, for a belated representation on a stale or dead issue/dispute would not furnish a fresh cause of action. This is not a case of continuing wrong or cause of action and no such argument or contention is raised.
6. Learned counsel for the petitioner submits that in 2014 the respondents had sought details. This by itself would not mean that this dead and expired claim, had got revived. The writ petition has no merit and is dismissed.

SANJIV KHANNA, J.

MARCH 18, 2016
VKR

NAJMI WAZIRI, J.