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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3308/2016, CM No.14085/2016

RAJINDER SINGH

..... Petitioner

Through: Mr. Avadh Kaushik, Adv.

versus

UOI AND ORS

..... Respondents

Through: Ms. Saroj Bidawat, Adv.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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22.04.2016

1. The order under challenge in this writ petition, filed on or about 18th April, 2016, was passed by the Principal Bench, Central Administrative Tribunal on 30th April, 2010. In other words, the challenge made is after about six years.
2. The impugned order dismisses OA No.2299/2008, which upholds the order of dismissal from service passed by the Disciplinary Authority dated 5.10.2006 and affirmed by the Appellate Authority and Revisionary Authority vide orders dated 22.5.2007 and 24.10.2007, respectively.
3. The articles of charge, relate to failure of the petitioner to account for Government cash, amounting to Rs.33,045/- and Rs.10,000/- on 31.8.2005 and 1.9.2005 at the time of inspection and physical verification of cash and stamp balance. The petitioner was then working as Gramin Dak Sewak (Branch Post Master) in village Ahrod in Gurgaon Division, Haryana and was the custodian of public

money.

4. The petitioner to explain this delay of six years in filing this writ petition submits that he had lost hope in the system and was disheartened, distressed and depressed. He was facing financial problems. In May, 2005, his in-laws had taken him to an Advocate and the file was thereafter re-constructed and the present petition was filed on 18th April, 2016. Our attention is drawn to paragraphs 2.18 to 2.21 of the writ petition.

5. Disappointment when the OA was rejected vide order dated 30th April, 2010 is understandable, but general assertions made cannot explain the prolonged inaction and stillness of nearly 6 years. This stupor and lullness was certainly missing earlier for the petitioner was prompt and quick in challenging the orders of the Disciplinary Authority, Appellate Authority and Revisionary Authority, as the petitioner had then approached the Tribunal in OA No.2299/2008. One could understand delay of a few months due to the adverse verdict, and consequent disappointment, but delay exceeding 2000 days is unacceptable and undoing. It is not the case of the petitioner that he was under any treatment for depression, anxiety etc. Possibly, the reason and ground given is a reflection of ingenuity and creativity, in the absence of sufficient and good cause. The petitioner it is apparent had accepted the impugned order of the Tribunal dated 20th April, 2010 and on an afterthought filed this petition. The stale and belated challenge should not be entertained. The facts do not justify exercise of discretion, overlooking and ignoring the aforesaid delay of six years in filing the writ petition challenging the impugned order.

6. The writ petition is accordingly dismissed.

SANJIV KHANNA, J

NAJMI WAZIRI, J

APRIL 22, 2016
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