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

+ **W.P.(C) 3913/2016 and CM APPL. 16577/2016**

HARSHA KAITHWAS

..... Petitioner

Through: Ms. Seema Sharma, Advocate with
Mr. Prashan Kumar and Mr. Yashvir Gyalot,
Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through: Ms. Archana Gaur, SGSC with
Mr. Santosh Kumar Pandey, Advocate and
Inspector Sanjay Kumar, CISF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

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06.05.2016

1. The present petition has been filed by the petitioner praying *inter alia* for directions to the respondent No.2-CISF to pay her House Rent Allowance (*hereinafter referred to as 'HRA'*), to which she claims she is legitimately entitled.

2. At the outset, it has been enquired from learned counsel for the petitioner as to explain why the present petition was filed so belatedly for seeking relief that relates to the period from 13.05.2010 to 01.01.2012, particularly when an actionable cause of action had arisen in favour of the

petitioner in the years 2010-12. There is no explanation for the delay in filing the writ petition and nor is any reason for the delay forthcoming from the counsel for the petitioner except for submitting that such a relief had been granted in a writ petition to similarly placed personnel of the CISF, vide order dated 23.05.2008.

3. If she was aware of the said order, then the petitioner ought to have approached the Court within a reasonable time from the date she became entitled to claim HRA, but no steps were taken by her to seek her legal remedy for over five years. In these circumstances, the relief prayed for in the present petition shall have to be treated as a stale claim. Filing of a representation by the petitioner before the respondents as belatedly as in the year 2016, would not be a ground to entertain the present petition.

4. Accordingly, the present petition alongwith the pending application is dismissed on account of delay and laches.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 06, 2016

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