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

+ W.P.(C) 8275/2016, CM No. 34282/2016

HARENDRA SINGH Petitioner
Through: Mr. P.S. Parihar, Adv.

versus

UNION OF INDIA AND ORS Respondents
Through: Mr. Gigi George, Adv. with Mr. Jitendra
Kr. Tripathi, Govt. Pleader.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

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19.10.2016

CM No. 34282/2016 (for condonation of delay) & W.P.(C) 8275/2016

1. This writ petition has been filed challenging an order dated 1st November, 1993 whereby the petitioner, a constable of Assam Rifles was dismissed from service.

2. The writ petition has been filed after 23 years. There is an application for condonation of the delay in filing the writ petition. However, there being no prescribed period of limitation for invoking the extraordinary writ jurisdiction of the High Court under Article 226 of the Constitution of India,

the application for condonation of the delay is misconceived.

3. Be that as it may, no cogent grounds have been disclosed for the delay of 23 years in filing the writ petition. The purported ground of the petitioner's alleged mental illness on account of personal problem is devoid of any particulars and unsupported by any cogent materials on record, except for a letter written to the Pradhan Gram Guniyala, P.O. Lansdown Pauri Garhwal, Uttarakhand by the petitioner, there is no material to show that the petitioner suffered from mental ailment. There is not even any averment that the petitioner was mentally ill for the entire period of 23 years.

4. It is true that the Limitation Act, 1963 does not apply to a writ petition under Article 226 of the Constitution of India. However, this Court does not ordinarily exercise its extraordinary discretionary jurisdiction when there is gross delay on the part of a litigant and belated interference would unsettle settled matters. Moreover, there should be some cogent explanation since this Court refrains from exercising its discretionary jurisdiction whether there is gross laches on the part of the writ petitioner. In this case, there is none. Interfering with the order of the termination at this stage would

unsettle matters, which have been settled over two decades ago.

5. The writ petition is dismissed on the ground of delay. The application for condonation of delay is also dismissed.

INDIRA BANERJEE, J

V. KAMESWAR RAO, J

OCTOBER 19, 2016/jg