

\$~21

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

+ W.P.(C) 11198/2016

BHARAT BHUSHAN ROHILA Petitioner

Through Mr. B. K. Pandey, Advocate.

versus

THE UNION OF INDIA & ORS Respondents

Through Mr. Arun Bhardwaj and Ms. Saakshi Agarwal,
Advocates with Mr. S. S. Sejwal, Law Officer,
CRPF.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **25.11.2016**

In this writ petition, the petitioner, an erstwhile constable of the Central Reserve Police Force (CRPF) has questioned an order of discharge which is dated 15.09.2009. The order of discharge was passed on the petitioner's own application and the petitioner duly refunded the expenses incurred by the Government of India on his training.

A request for discharge may be withdrawn before the request is accepted. In the instant case, as per the Rules, such request may be withdrawn within 90 days from the date of request. Over seven years, after the discharge order has taken effect, there can be no question of interference with the order of discharge, issued at the request of the petitioner. The petitioner has no right, constitutional, legal or equitable to withdrawal of

the order of discharge which, it is reiterated, was passed at his own request.

Even though delay in itself may not be a bar to entertaining a writ petition, the Court does not entertain a writ petition when there has been laches on the part of the petitioner in approaching the Court. In this case, there are no cogent reasons for the delay. Even assuming that the petitioner had been making the representations (even though no representation has been annexed), the mere making of representations is no ground for overlooking delay of seven years.

Furthermore, the writ court would not interfere when entertaining a delayed writ petition would amount to unsettling of things which are settled. In the instant case, the vacancy caused by way of discharge of the petitioner has obviously been filled up.

The writ petition is, therefore, dismissed.

INDIRA BANERJEE, J

SANJEEV SACHDEVA , J

NOVEMBER 25, 2016
dr