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

+ W.P.(C) 10232/2016

RAJPAL SINGH

..... Petitioner
Through Ms.Saahila Lamba & Mr.T.S. Dagar,
Advs.

versus

UNION OF INDIA & ORS

..... Respondents
Through Mr.Jagjit Singh, Sr.Standing Counsel
for UOI.
Ms.Madhulika Agarwal & Mr.J.K.
Singh, Advs. for Railways.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

ORDER

% **25.11.2016**

CM No.40400/2016 (Exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C)10232/2016

In this writ petition, the petitioner has challenged an order of dismissal dated 22nd January, 1998, an order dated 27th January, 2004 dismissing an appeal arising against the order of dismissal, and an order dated 23rd December, 2015 rejecting a representation made by the petitioner to the Prime Minister of India. However, the cause of action accrued on 27th January, 2004 when the appeal was rejected.

There is effectively delay of over 12 years in filing the writ petition which purports to challenge the order of dismissal of the petitioner from service and the rejection of the appeal therefrom. Rejection of representations made after over a decade and/or non consideration of some such representation is no ground for entertaining a hopelessly delayed writ petition. Prima facie, the petitioner has a weak case even on merits. Illness of family members, whether wife or parent, does not justify failure to report at the station of transfer and absence of 11 months, without intimation. Even assuming that the respondents had been informed, leave cannot be claimed as of right. Leave has to be granted. Omission to reply to a letter does not tantamount to sanction of leave.

In view of delay of almost 13 years, we are not inclined to entertain the writ petition. The post which has fallen vacant by the order of dismissal of the petitioner is likely to have been filled up in the meanwhile. Entertaining the writ petition would amount to reopening issues which have long been settled, which this Court does not do in exercise of its extraordinary writ jurisdiction.

The writ petition is dismissed.

INDIRA BANERJEE, J

SANJEEV SACHDEVA, J

NOVEMBER 25, 2016/vp