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

+ W.P.(C) 744/2016

SATYAPAL SINGH Petitioner

Through: Mr. Amit Atri, Advocate

versus

UNION OF INDIA & ORS. Respondents

Through: Mr. Kamal Kant Jha, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

31.03.2016

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1. This order is in continuation of a detailed order passed on 2nd February, 2016, on which date it was observed that the present petition suffers from gross delay and latches inasmuch as the petitioner is seeking quashing of an order dated 24th January, 2006, passed by the Disciplinary Authority imposing the punishment of compulsory retirement on him, which was upheld by the Appellate Authority vide order dated 15th November, 2006, and his mercy petition was rejected on 2nd February, 2007. It was also noted that after a prolonged delay of almost one decade, the petitioner had filed an earlier petition for the same relief, which was dismissed as not pressed vide order dated 16th January, 2015 passed by a Division Bench of this Court while noting that there were no material averments in the said writ petition which could disclose an actionable cause of action.

2. When learned counsel for the petitioner was confronted with the aforesaid position and it was enquired as to why has the present petition been filed after one year for the same relief without justifying the inordinate delay in seeking legal recourse, he had drawn the attention of this Court to paragraph No.20 of the writ petition wherein it has been stated that the petitioner could not face the consequences of rejection of his mercy petition and his medical condition had deteriorated over the passage of time, which remained the same till the year 2011. To substantiate the said averments, learned counsel for the petitioner had sought time to file an additional affidavit of the petitioner along with the relevant documents to evidence that he had remained medically unfit from the year 2006 till 2015.

3. The additional affidavit filed by the petitioner is found to be too sketchy and except for a copy of one medical prescription obtained from a private Ayurvedic Centre in the year 2007-08, there is nothing on record to explain the delay stretching over an entire decade.

4. In view of the above facts, we are not satisfied with the explanation offered by the petitioner for the gross delay and laches in seeking his legal remedies and therefore, not inclined to exercise our discretion under Article 226 of the Constitution of India by entertaining the present petition, which is accordingly dismissed.

HIMA KOHLI, J

SUNIL GAUR, J

MARCH 31, 2016

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