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

+ W.P.(C) 1074/2017 & CM Nos.4939-42/2017

N.K NAGAR

..... Petitioner

Through: Mr. Anand Nandan, Advocate

versus

UNION OF INDIA

..... Respondent

Through: Mr. Ajay Digpaul, CGSC with Ms.
Mohita, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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08.02.2017

The petitioner's 'resignation' was accepted by the Office Order dated 25.1.2006 with effect from 12.1.2005. The petitioner, after about 6 years, filed OA No.4209/2012, challenging the said acceptance, *inter alia*, raising several grounds why the said acceptance was illegal and bad in law.

The first question which would arise is whether OA was barred by limitation and delay in filing of the OA should be condoned. Apparently, the petitioner had accepted the said acceptance of resignation in January, 2006, for he had kept quiet and maintained unconditional silence, not for some or a few days, but for over 1800 days. Law of limitation has and serves a public

purpose and objective.

Be that as it may, it is for the respondent to decide whether or not they want to contest the said findings.

The petitioner has now filed this writ petition, claiming backwages for the last 11 years from 16.9.2005, the date on which he last reported for duties, till 4.10.2016, when the impugned order was passed. The petitioner has also prayed that the period between 16.9.2005 and 4.10.2016 be counted for the purpose of continuation of service and should not be treated as break-in-service. We are not inclined to accept the said prayer. The Tribunal conscious that they had condoned the prolonged delay, dwelled into the question whether or not prayer for backwages etc. should be granted. The prolonged delay has got reflected in the relief refused.

Notwithstanding condonation of delay, the prayer for grant of backwages, continuity etc. should not be granted. The said relief has been rightly rejected.

In view of the aforesaid position, the writ petition is dismissed. All the pending applications are also dismissed.

SANJIV KHANNA, J

CHANDER SHEKHAR, J

FEBRUARY 08, 2017/tp