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

+ W.P.(C) 2387/2017

M.P. NATHANAEL Petitioner
Through Mr. Pankaj Yadav, Mr. DVS Yadav
and Mr. H. Hanthanael, Advocates.

versus

UNION OF INDIA & ORS Respondent
Through Mr. Manish Mohan, CGSC with
Ms. Manisha Saroha, Advocate and Mr. S.S.
Sejwal, Law Officer, CRPF.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

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20.04.2017

The petitioner-M.P. Nathanael had retired from the rank of Inspector General of Police (Training) on 30th September, 2011.

2. Post retirement, the petitioner vide letter dated 4th December, 2012 had made representation for payment of Transport Allowance stating that from 1st November, 2010 to 3rd August, 2011 (sic 31st July, 2011), he had served as Inspector General of Police at Jorhat (Assam) and had not availed of transport facility from his residence to office and back. The reason was that the office was located at a distance of 100 meters from his residence. This letter states that

earlier he had made representations, to which no reply was received.

3. The representation was rejected vide letter/order dated 12th January, 2013. The reason was that as per the letter dated 18th April, 2012 and 23rd May, 2012, officers of the rank of Inspector General were entitled to draw Transport Allowance if staff car facility was withdrawn. For this, they had to opt for withdrawal of the staff car facility. (We have merely recorded what is stated in the letter/order dated 12th January, 2013 and have not commented on the merits.)

4. The present writ petition has been filed nearly 5 years thereafter on 10th February, 2017.

5. Contention of the counsel petitioner is that the petitioner had made subsequent representations and the respondents have also replied to the same. The last reply was dated 18th May, 2015.

6. In our opinion, the present writ petition should not be entertained on the ground of delay and laches. This is not a case of continuing cause of action. Repeated representations and rejection do not explain the period of delay after the letter/order dated 12th January, 2013, by which the claim of the petitioner was specifically and clearly rejected.

7. In view of the aforesaid position, we are not inclined to entertain the present writ petition and the same is dismissed in limine.

SANJIV KHANNA, J.

ANIL KUMAR CHAWLA, J.

APRIL 20, 2017
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