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

+ LPA 386/2017

P N SHUKLA

..... Appellant

Through: Ms. Garima Sachdeva, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Kavindra Gill & Mr. Rohit  
Dandriyal, Advocates for respondent  
No.1/ UOI.

Ms. Hetu Arora Sethi, Advocate for  
respondent No.2.

**CORAM:**

**HON'BLE MR. JUSTICE VIPIN SANGHI**

**HON'BLE MS. JUSTICE DEEPA SHARMA**

**ORDER**

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**19.05.2017**

**C.M. No. 19026/2017**

Exemption allowed, subject to all just exceptions.

The application stands disposed of.

**C.M. No. 19027/2017**

By this application, the appellant seeks condonation of 32 days delay in filing the appeal.

For the reasons stated in the application, the same is allowed and the

delay is condoned.

**LPA 386/2017**

The appellant has preferred the present Letters Patent Appeal to assail the judgment dated 03.03.2017 passed by the learned Single Judge in W.P. (C.) No. 1927/2017, whereby the writ petition of the appellant seeking to assail the non-grant of promotion to him in the year 1994 was dismissed on the grounds of delay and laches.

The seniority list which was circulated by the respondent No.2 bank on 16.04.1994 was, in fact, sought to be challenged by the appellant which showed that the appellant had not been granted promotion in the year 1990-91. His statutory appeal made to the appellate authority in the year 1994 was also rejected on 24.03.1995. The appellant retired on 31.03.2008. The writ petition was preferred only on 22.02.2017, and consequently, the learned Single Judge dismissed the same by following the decision of the Supreme Court in *State of Orissa & Another Vs. Mamata Mohanty*, (2011) 3 SCC 436, and his earlier decisions on the issue of delay and laches.

The submission of learned counsel for the appellant is that the appellant had continuously been sending representations to raise his grievances. Moreover, when the Right to Information Act, 2005 (RTI Act) came into force in 2005, he also sought information by invoking provisions of the said Act. The respondent bank, however, did not comply with the orders, and instead, assailed the order of the CIC before this Court. Eventually information was granted to the appellant only in the year 2016, and within some time thereafter, the writ petition was preferred.

In our view, the aforesaid does not explain the inordinate delay on the part of the appellant for raising his claim. The denial of promotion to the

appellant took place in the year 1994. His statutory appeal was also rejected in 1995. Thus, his cause of action arose soon after his statutory appeal was rejected on 24.03.1995. Mere making of representations does not extend the period of limitation. If the representations of the appellant did not bear fruit within a reasonable time, he should have approached the Court. His showing that he moved an application to seek information under the RTI Act, also is of no avail since he was not aware in the year 1995 when his statutory appeal was rejected that the said enactment would be available to be invoked in the year 2005. If the appellant had preferred the writ petition in time, he would have got the information he desired from the respondents in the said proceedings itself, as the respondents would have had to justify their conduct by placing the relevant record before the Court.

In our view, the learned Single Judge was completely justified in dismissing the writ petition as being barred by delay and laches. There is no reason to interfere with the impugned judgment.

Dismissed.

**VIPIN SANGHI, J**

**DEEPA SHARMA, J**

**MAY 19, 2017**

*B.S. Rohella*