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

+ W.P.(C) 4157/2017 AND CM APPL. 18225/2017

PARVEEN KUMAR Petitioner

Through : Petitioner in person.

versus

EXPORT INSPECTION COUNCIL & ORS Respondents

Through :Mr. Anil Panwar, CGSC for
respondent no. 5

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

% **15.05.2017**

Request of petitioner for the voluntary retirement has been rejected by
the respondent vide letter/order dated 27th May, 2014, which is reproduced
as under:-

“To

Shri Parveen Kumar,
Tech. Officer,
WZ 6A/A 9,
Naraina Village,
New Delhi – 110028

Sub.: Voluntary Retirement request submitted by
Shri Parveen Kumar, Tech. Officer, EIA-Delhi
(Under transfer for S.O. Tuticorin)-Reg.

Sir,

This is with reference to your request to Competent Authority for Voluntary Retirement, it is to inform that you have been relieved from this office vide letter dated 11/04/2014 to join at EIA-Chennai, Sub Office: Tuticorin and have not reported for duty despite lapse of more than one month and more than one reminder. As such, the period of absence is unauthorized. While working in EIA-Delhi you have been served with a charge sheet on 27/03/2014 for a misconduct of disobedience and use of derogatory language against Senior Officer, which may attract major penalty in due course. Rule 48A provide for acceptance of request for Voluntary Retirement under general circumstances.

However, in case of disciplinary proceeding being pending, your request for V.R. is denied by Competent Authority. Hence, it is advised to report for duty at S.O. Tuticorin without further delay failing which it would attract action as per rules.

Yours faithfully,
Sd./-
(Dr. J.S. Reddy)
Joint Director”

Petitioner has assailed the aforesaid order by this writ petition. Petitioner has approached this court after three years. He has not acted with promptitude. No cogent explanation has been given for approaching this court late. Petition is barred by laches.

It is noted that in the first disciplinary proceeding vide order dated 17th February, 2016 rank of the petitioner was reduced. In the second

disciplinary proceeding, petitioner was dismissed from the services vide order dated 5th April, 2016.

Be that as it may, writ petition is dismissed being barred by latches. Miscellaneous application is disposed of as infructuous.

A.K. PATHAK, J.

MAY 15, 2017
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