

\$~24

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

+ **W.P.(C) 6160/2017**

RAJESH KUMAR

..... Petitioner

Through: Ms. Esha Mazumdar and Mr. Nishant
Verma, Advs.

versus

DELHI TRANSCO LTD

..... Respondent

Through: Ms. Rashmi Chopra, Adv. with
Mr. Rajesh Jain, Dy. Manager (Legal)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

%

21.07.2017

CM No. 25638/2017 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 6160/2017

The present petition has been filed by the petitioner with the following prayers:

“It is, therefore most respectfully prayed that this Hon’ble Court may kindly be pleased to issue:

a) Issue a writ of mandamus or any other writ, order or direction of like nature directing the Respondent to promote the petitioner to the post of Assistant Manager with effect from 16.04.2004 along with all other consequential benefits;

b) Award appropriate costs in the facts and circumstances of the case;

c) Any other or further order or direction which this Hon’ble

Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice be passed / issued in favour of the petitioner.”

Suffice to state, the petitioner had earlier approached this Court by way of a petition being W.P.(C) 7246/2013, which was dismissed on 20th November, 2013 being barred by delay and laches. The submission of the learned counsel for the petitioner is that subsequent to the dismissal of the writ petition, the case of a similarly placed employee, was considered favourably and he has been granted promotion w.e.f 16th April, 2004, the date from which the petitioner is also seeking promotion.

As the earlier petition filed by the petitioner has been dismissed on the ground of delay and laches, the present petition is not maintainable, on the principles of res judicata. At this stage, learned counsel for the petitioner seeks to withdraw petition to seek remedy against order dated 20th November, 2013 in accordance with law.

The petition is dismissed as withdrawn.

V. KAMESWAR RAO, J

JULY 21, 2017/jg