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

+ W.P.(C) 552/2017 & CM Nos.2577/2017 (stay), 2578/2017 (delay)

LAL BHAHADUR Petitioner
Through Mr.R.P. Bhardwaj, Adv.

versus

UNION OF INDIA & ORS Respondents
Through Ms.Shubhra Parashar, Adv.

CORAM:

HON'BLE MS. JUSTICE INDIRA BANERJEE

HON'BLE MR. JUSTICE ANIL KUMAR CHAWLA

ORDER

% **22.02.2017**

This writ petition is directed against an order dated 29th August, 1993 passed by the Respondent No.3 whereby the petitioner has been dismissed from service and an order dated 26/27th November, 2002 passed by the Respondent No.2, rejecting his appeal against the order of dismissal.

The order of dismissal impugned was passed almost 24 years ago. Relief cannot be granted after lapse of 24 years. The appeal was also rejected almost fifteen years before the writ petition was filed.

There is an application being CM No.2578/2017 for condonation of the delay in filing the writ petition. The provisions of the Limitation Act do not apply to applications under Article 226 of the Constitution of India. There can, therefore be no question of condonation of the delay in filing a writ petition. However, when there is gross, unexplained delay in filing a writ petition, the Court does not exercise its discretionary jurisdiction to

grant relief. The Court does not entertain a delayed writ petition, when the relief prayed for would resettle things already settled.

In this case, there is some vague explanation for the delay. However, the explanation is far from the satisfactory, and in any case, does not explain the delay of decades. May be, having regard to the ground taken by the petitioner of acute financial distress, as also the condition of his health, we might have considered granting some relief, if any case of apparent illegality or irregularity had been made out.

The petitioner has repeatedly been harping that the representations of the petitioner have not been considered. However, the petitioner has not been able to point out any patent illegality in the proceedings.

The petitioner remained unauthorizedly absent without any notice. Show cause notice was issued to the petitioner before action was taken against him. The petitioner has not been able to discharge his onus of establishing that there is any illegality in the action of the respondents. In any case, the writ petition is barred by gross delay and we are not inclined to entertain the same.

This hopelessly belated writ petition is dismissed along with all connected applications.

INDIRA BANERJEE, J

ANIL KUMAR CHAWLA, J

FEBRUARY 22, 2017/vp