

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of Decision: October 30, 2017

+ **W.P.(C) 9497/2017 & C.M. 38607-08/2017**

R. K. YADAV

..... Petitioner

Through: Mr. Satish Tamta, Senior Advocate
with Mr. Dhruv Tamta, Advocate

Versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Nemo.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

JUDGMENT
(ORAL)

1. By way of this petition, petitioner, who is a dismissed employee of *The Research & Analysis Wing* (RAW), seeks reconsideration of his case on compassionate grounds to sustain himself.

2. Learned senior counsel for petitioner submits that petitioner is 67 years of age and he was dismissed from service on 21st October, 1989 and that the said order has attained finality in the year 2002. Learned senior counsel further submits that petitioner is dependent upon his son, who is not financially sound to bear the burden of his medical expenses. During the course of hearing, it was pointed out that in the year 2004, petitioner had represented to the President of India as well as the Prime Minister of India vide various Representations but there was no response and again in the year 2008, petitioner had approached the Central Administrative Tribunal for reconsideration of his case and petitioner's petition was dismissed vide order of 3rd July, 2008, which was then challenged by way of a writ petition before this Court, which was also dismissed on 28th

July, 2009 and the Special Leave Petition preferred against it, also stood dismissed in December, 2009.

3. In this second round of litigation, petitioner has not explained delay from the year 2010 till now and has sought reopening of his case on the ground that though petitioner was charge-sheeted but no proper inquiry was held and to do justice to petitioner, a full-fledged inquiry in terms of applicable rules and regulations ought to be held. Learned senior counsel for petitioner has drawn the attention of this Court to Order of Division Bench of this Court of 4th April, 2002 in W.P.(C) No. 2118/2002, *R.K. Yadav Vs. Union of India & Ors.*, to point out that petitioner had a *prima facie* case but on delay, his petition was dismissed. So, it is submitted that in the interest of justice, petitioner's case be reopened.

4. Upon hearing and on perusal of the record of this case, I find that this is third round of litigation. The second round of litigation ended with dismissal of Special Leave Petition on 16th December, 2009. Thereafter, there is unexplained delay of about seven years and so, reopening of petitioner's case is neither warranted nor justified under any circumstance.

5. In view of the aforesaid, this petition and applications are dismissed *in limine* with no order as to costs.

SUNIL GAUR
(JUDGE)

OCTOBER 30, 2017

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