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

+ **W.P.(C) 3718/2018**

DEBASIS BERA

..... Petitioner

Through: Mr. Manindra Dubey, Advocate.

versus

UNION OF INDIA, THROUGH ITS SECRETARY AND ANR.

..... Respondents

Through: Mr. Jasmeet Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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16.04.2018

1. The petitioner seeks directions to the respondent/BRO to promote him to the post of Superintendent BR-II with effect from year 27.1.2005.

2. A perusal of the record reveals that in the year 2009, the petitioner had raised the very same grievance, subject matter of the present petition, by approaching the Central Administrative Tribunal Guwahati Bench, which was disposed of as infructuous vide order dated 20.5.2010, in view of the submission made by the petitioner's counsel that his client had been provisionally selected to the post of Superintendent BLDG. & Roads GDE II (UR) against Advertisement No.02/2009, on the basis of trade test and interview and he had accepted the said post.

3. After waiting for over eight years, the petitioner seeks to re-agitate the very same issue and that too without explaining the gross

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delay on his part in approaching the court for relief. The only explanation sought to be offered for the inordinate delay is that the petitioner kept on making representations after the year 2010. When the petitioner was aware of his legal rights and has approached the Guwahati Bench of the Central Administrative Bench in the year 2009 to exercise the same, he cannot be heard to state that now that submitting successive representations to the respondents amounts to seeking legal recourse.

4. Even the plea of making several representations to the respondents is not borne out from the record. There is only one representation dated 21.9.2007 filed with the petition where the petitioner seeks promotion to the post of Superintendent BR-II. This cannot vest a fresh cause of action on the petitioner particularly when he had admittedly been selected to the post of Superintendent Building & Roads as long back as on 08.4.2010.

5. The present petition is accordingly dismissed as being hopelessly barred by the delay and *laches*.

HIMA KOHLI, J

PRATIBHA RANI, J

APRIL 16, 2018

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