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

+ W.P.(C) 1976/2016

SATNAM SINGH SANDHU

..... Petitioner

Through: Ms.Garima Sachdeva, Advocate

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr.Amit Mahajan, CGSC with
Ms.Abha Malhotra, GP with
Mr.Hemank Chawla, Advocate with
Mr.Naveen Bhagar, DC-CISF for R-1
to R-3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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04.04.2018

1. The petitioner has assailed the Seniority List of Deputy Inspector Generals, CISF as on 01.01.2016, to the extent that his seniority has erroneously been fixed below the respondents No.4, 5 & 6, who were direct recruits and were appointed as Assistant Commandants in the year 1989, whereas the petitioner, who was an Ex-Army Officer, was re-employed in the CISF on 08.12.1988, against 10% vacancies to be filled-up from amongst the Ex-Army Officers.

2. Mr.Amit Mahajan, learned counsel for the respondents states that a preliminary objection has been taken by the respondents on the inordinate delay on the part of the petitioner in approaching the Court for relief, which

itself ought to be a ground to non-suit him. Learned counsel submits that the Seniority List in respect of the post of Assistant Commandants was initially drawn on 31.12.1989 (Annexure R-1) wherein the petitioner was placed at Sr.No.236, whereas respondents No.4, 5 & 6 were placed above him at Sr.No.209, 210 & 218 respectively. He states that the petitioner cannot plead ignorance about his placement in the Seniority List over the past several years and elect to approach the Court only in the year 2016, claiming that his seniority has been erroneously fixed below that of respondents No.4, 5 & 6.

3. Learned counsel for the respondents further submits that if the petitioner had any grievance that those who were junior to him have been promoted over his head, then he should have acted with promptitude by seeking legal recourse within a reasonable time, which in cases relating to promotion, cannot extend to a period beyond one year. It is contended that by filing the present petition at the fag end of his career, the petitioner is trying to raise a stale claim and trying to unsettle settled matters. To fortify the said submission, reliance is placed on the decision of the Supreme Court in AIR 1974 SC 2271 P.S.Sadasivaswamy vs. State of Tamil Nadu.

4. Learned counsel for the petitioner seeks to explain the delay by stating that the petitioner was unaware of the Seniority List as drawn on 31.12.1989 and therefore, he did not take any steps to challenge the same.

5. We do not find any force in the aforesaid submission made by the learned counsel for the petitioner. Assuming that the petitioner was not aware of his placement in the Seniority List in the year 1989, the averment made by the respondents in their affidavit that a fresh Seniority List of Assistant Commandants (Executive) was drawn by the Department on

31.12.1995 and was duly circulated vide letter dated 19.08.1997, is not denied. The petitioner has admittedly not taken any steps to challenge even the said Seniority List. Had the petitioner approached the Court within a reasonable time there from, it would have been a different matter.

6. This being the position, we decline to entertain such a stale claim by exercising the extraordinary powers vested in this Court under the Article 226 of the Constitution of India.

7. The petition is accordingly dismissed as hopelessly barred by delay and laches.

HIMA KOHLI, J.

PRATIBHA RANI, J.

APRIL 04, 2018

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