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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 4779/2018 and CM APPL. 18432-33/2018
MR. SUDHISH KUMAR Petitioner
Through : Mr. Shaleel Sarwar Wani, Advocate.
versus
DIRECTOR GENERAL (BSF) AND ORS. Respondents
Through: Mr. Suman Chauhan, Advocate with
DC Vinod Kumar, Law, BSF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **30.07.2018**

1. The petitioner seeks quashing of the order dated 24.06.2011, passed by the respondents/BSF, finding him guilty in respect of three charges levelled against him vide charge-sheet issued on 02.04.2011. Further, the petitioner seeks quashing of the order dated 06.06.2013, passed by the respondents turning down his request for cancelling the punishment awarded to him vide order dated 24.06.2011.
2. We have requested learned counsel for the petitioner to first address us on the aspect of inordinate delay on the part of the petitioner in approaching the Court for relief in respect of a decision taken by the respondents as long back as on 24.06.2011, finding him guilty in respect of three charges levelled against him.
3. Learned counsel for the petitioner argues that the cause of action in this case is a continuing and a recurring one and therefore, limitation will not come in his way.

4. For examining the aspect of delay, this Court is required to examine the date on which the cause of action had first arisen in favour of the petitioner to seek legal recourse, which was admittedly on 24.06.2011, when the petitioner was held guilty. The period three years reckoned from the said date, which is considered as a reasonable time for the petitioner to have approached the Court for relief, would have expired in the June, 2014. We find that the petitioner has additionally prayed for quashing of the order dated 06.06.2013. A perusal of the said order shows that only a representation submitted by the petitioner on 01.03.2013, was turned down by the respondents. Therefore, no fresh cause of action can be stated to have arisen in favour of the petitioner for him to seek legal recourse after such an inordinate delay. The relevant date, for all effects and purposes would still remain 24.06.2011. The petitioner cannot be permitted to remain indolent for seven long years and then wake up one fine morning to file this petition.

5. We see no justification to entertain such a hopelessly belated petition, which is accordingly dismissed in *limine* alongwith the pending applications.

HIMA KOHLI, J

REKHA PALLI, J

JULY 30, 2018

na/rkb