

\$~5.

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

+ W.P.(C) 4803/2018 and CM APPL. 18480/2018

CONST. VERAMANI T Petitioner
Through: Mr. Asit Kumar Roy, Advocate.

versus

MINISTRY OF HOME AFFAIRS & ORS Respondents
Through: Mr. Satyendra Kumar and Mr. Jitendra
Kumar, Advocates.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **09.07.2018**

1. The petitioner, an ex-force personnel, who was dismissed from the service by the respondents/BSF, is aggrieved by his removal order dated 21.03.2014 as also by the dismissal of his appeal vide order dated 17.06.2017, on the ground of delay and *laches*.
2. Learned counsel for the petitioner submits that the petitioner was removed from service on 21.03.2014 and immediately thereafter, he had developed schizophrenia. In the meantime, the respondents did not supply him the entire records of the Summary Security Force Court till 10.10.2014, though he had applied for the same on 27.03.2014. Finally, when the petitioner did file an appeal on 03.05.2017, the same was dismissed by the Appellate Authority vide order dated 01.06.2017 on the ground of delay and *laches*.

3. A perusal of the appeal filed by the petitioner reveals that though he had made an effort to explain that he had been undergoing severe depression because of loss of employment, no medical documents in support of the said averments were enclosed therewith.
4. We deem it appropriate to dispose of the present petition with liberty granted to the petitioner to submit all the medical documents relating to his ailment and treatment in support of the averments made by him in the statutory appeal, which shall be considered by the Appellate Authority and a fresh speaking order shall be passed thereafter.
5. In view of the order passed above, the order dated 01.06.2017 is quashed and set aside. The petitioner is granted liberty to file the said documents with the relevant records within four weeks. The respondents shall place the said appeal before the Appellate Authority alongwith the medical records that the petitioner shall submit, which shall be examined and a speaking order passed on merits within eight weeks thereafter, under written intimation to the petitioner.
6. If the grievance of the petitioner still survives, he shall be entitled to seek legal recourse, as may be advised.
7. The present petition is disposed of alongwith the pending application.

HIMA KOHLI, J

REKHA PALLI, J

JULY 09, 2018

na

W.P.(C) 4803/2018

Page 2 of 2