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

+ W.P.(C) 4243/2018 and CM APPL. 16609/2018

R.P.S YADAV SUB INSPECTOR (FIRE) Petitioner

Through: Mr. O.P. Agarwal, Advocate.

versus

UNION OF INDIA AND ORS. Respondents

Through: Mrs. Bharathi Raju, CGSC with
Mohd. Isham, Inspector of CISF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **26.04.2018**

1. The present petition has been filed by the petitioner praying *inter alia* for issuing directions to the respondents to grant him seniority w.e.f. 27.01.2001, in the post Sub-Inspector (Fire) on the ground that he has been superseded in the list of seniority by those who were much junior to him.
2. Even as per the averments in the present petition, the seniority list was declared by the respondents on 20.01.2005, wherein the petitioner was placed at Sr. No.427. In other words, he was aware of the position of his seniority in the year 2005, but he did not raise any objection thereto. Again, the respondents had issued another seniority list on 01.10.2014, wherein the petitioner was placed at Sr. No.108. However, the petitioner did not take immediate steps to raise an objection with regard to his placement in the said

seniority list.

3. Learned counsel for the petitioner states that the petitioner submitted a representation dated 12.08.2016 to the respondent No.2, raising a grievance with regard to wrong fixation of his seniority and claimed that those who were junior to him, had superseded him for promotion to the post of Inspector (Fire).

4. Even the said representation had been turned down by the respondent No.2 vide order dated 21.09.2016 by furnishing reasons therein. Yet again the petitioner chose not to seek legal recourse against the said order.

5. The settled law in service jurisprudence is that a party, who seeks seniority, must approach the Court with alacrity and any negligence or unexplained/inordinate delay on his part in moving the court can be a ground for the court to refuse to invoke its extra ordinary powers under Article 226 of the Constitution of India. It would be extremely inequitable in such circumstances to put the clock back and disturb the seniority for everyone, when a claim for seniority is patently hit by delay and *latches*. [Refer: Karnataka Power Corporation Ltd. & Anr. vs. K. Thangappan & Anr. reported as **AIR 2006 SC 1581**, City Industrial Development Corporation vs. Dosu Aardeshir Bhiwandiwalla & Ors. reported as **AIR 2009 SC 571** and Vijay Kumar Kaul and others Vs. Union of India and others reported as **AIR (2012) SC 2274**]

6. Having regard to the fact that as on date, the petitioner claims seniority on the subject post w.e.f. 27.01.2001, a simple representation

made by him in the year 2016, cannot be of any assistance. The present petition is hopelessly barred by limitation and is dismissed in *limine* alongwith the pending application.

HIMA KOHLI, J

PRATIBHA RANI, J

APRIL 26, 2018

na/ap