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

+ W.P.(C) 5845/2018

SHRI SHIVA KANT MISHRA Petitioner
Through: Ms. Archana Ramesh, Advocate.

versus

UNION OF INDIA AND ORS. Respondents
Through: Ms. Prema Priyadarshini,
Mr. Sanjay Kharwal and Mr. Ashish Shaw,
Advocates with SGT D. Srivastava,

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **28.05.2018**

1. The petitioner is aggrieved by his non-selection to the post of Airman in response to a selection process conducted by the Indian Air Force as long back as in the year 2010.
2. At the outset, we have requested learned counsel for the petitioner to address us on the aspect of delay and *laches* on the part of the petitioner in approaching the Court for relief, particularly, since there is not a whisper in the writ petition to explain such an inordinate delay.
3. Learned counsel for the petitioner states that the petitioner and other similarly placed candidates, who were in the waitlist, were expecting that their names would come up for enrolment but the said wait list had expired in March, 2012.

4. If that was the case, then the petitioner ought to have approached the Court with promptitude in the years 2012-2013. Merely filing of a representation before the respondents in the year 2013, followed by legal notices issued on 17.06.2013 and 23.8.2013, would not be of any assistance, more so, when the petitioner did not receive any reply. Nor are representations/notices a substitute for legal recourse.

5. Learned counsel for the respondents, who appears on advance notice, disputes the aforesaid submission made by the other side that the respondents had deliberately failed to reply to the legal notice dated 17.6.2013. She hands over a copy of the reply dated 17.7.2013, wherein an appropriate response was given by respondents. The said document bears out her submission that the respondents had duly replied to the legal notice dated 17.06.2013, served by the petitioner.

6. That being the position, we are of the opinion that the petitioner ought to have approached the court within a reasonable time from the date of receiving a reply from the respondents, refuting his claim. Even if the submission made by learned counsel for the petitioner that the said reply was never served on the petitioner is accepted, we are of the opinion that he ought to have moved with alacrity and approached the Court at least in the year 2014, knowing very well that the respondents had failed to redress his grievance.

7. Having failed to take any steps for five long years reckoned from June, 2013, we see no reason to entertain the present belated petition.

8. The present petition is accordingly dismissed, being hopelessly barred by delay and *laches*.

HIMA KOHLI, J

PRATIBHA RANI, J

MAY 28, 2018
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