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

+ **W.P.(C) 7138/2018**

VED PRAKASH ARYA

..... Petitioner

Through: Mr. A.K. Bhakt and Mr. Aman Kumar,
Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mrs. Abha Malhotra, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **13.07.2018**

1. The present petition has been filed by the petitioner praying *inter alia* for directions to the respondent/SSB to appoint him on the post of Assistant Commandant.

2. At the outset, we have requested learned counsel for the petitioner to address the Court on the inordinate and unexplained delay on the part of the petitioner in seeking legal recourse and that too in respect of a cause of action that had arisen in the beginning of the year 2014. We may note that upon the petitioner clearing all the examinations for appointment as an Assistant Commandant in the SSB, the respondents had sent him an offer of appointment on 11.12.2013 calling upon him to join duty on or before 27.1.2014. Instead of joining duty within the prescribed timeline, the

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petitioner submitted a representation to the respondents seeking extension of time on the ground of ill-health of his mother, which was duly acceded to.

3. Based on the petitioner's request, vide letter dated 10.2.2014, the respondents had granted him extension of time to join the next batch of AC (DE) Course/Training. Thereafter, on 20.1.2015, the respondents gave a written intimation to the petitioner, directing him to report at the SSB Academy Srinagar (Garhwal) on 23.2.2015, along with the requisite documents, as listed in the offer of appointment. He was clearly informed that if he failed to report for training within prescribed date, then his offer of appointment shall be treated as cancelled without any further correspondence.

4. Admittedly, the petitioner did not report for duty within the prescribed extended timeline, nor did he take any step for seeking extension of time to join duty by submitting any representation to the respondents. Instead, after a hiatus of over three and a half years, the petitioner submitted a representation to the respondents on 27.3.2018, stating *inter alia* that due to the illness of his mother, he could not join duty but was now willing to do so. On not receiving any reply from the respondents, the present petition has been filed.

5. We are of the view that the present petition is hopelessly belated and ought not to be entertained as the petitioner has failed to give any justification for the inordinate delay in approaching the Court for relief. Even otherwise, we find that the petitioner had already sought extension of time to join his duty which was duly granted to him whereafter, there is no explanation or any medical certificate of his mother to substantiate his plea

that there was any valid reason for not joining his duty within the extended time.

6. For the aforesaid reasons, the present petition is dismissed as barred by delay and *laches* and devoid of merits.

HIMA KOHLI, J

REKHA PALLI, J

JULY 13, 2018

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