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

+ W.P.(C) 8167/2018

MANISH KUMAR

..... Petitioner

Through Mr.A.K.Trivedi with Mr.Naveen
Kumar, Advs.

versus

UNION OF INDIA & ORS

..... Respondent

Through Mr.Vijay Joshi with Mr.Sushil Kumar
Pandey, Advs & Mr.Sang, AC/CISF.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **06.08.2018**

1. The present petition has been filed by the petitioner praying *inter alia* for a direction to the respondent/CISF to revive his offer of appointment for the post of Constable (GD) dated 14.03.2017 and permit him to join the next batch for basic training.

2. The admitted facts of the case are that the petitioner was issued an offer of appointment for the post of Constable (GD) on 14.03.2017, directing him to report for training at the RTC Deoli on 01.04.2017. The petitioner claims that when he received the appointment letter, he was suffering from 'Jaundice' and was unable to report for his basic training schedule that was to commence from 10.04.2017. As a result, he submitted a representation dated 01.04.2017 to the Principal, RTC, Deoli with a request to permit him to join in the next batch for training.

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3. After waiting for six months reckoned from 01.04.2017, the petitioner sent a representation to the respondents on 10.10.2017 claiming *inter alia* that he had personally visited the office of Principal, RTC, Deoli, where he was informed that he could not be granted permission to join in the next batch for training. Thereafter, on 27.10.2017, the petitioner again submitted a representation to the respondents seeking permission to join the next batch of training. On not receiving any response, he served a legal notice dated 19.03.2018 on the respondents followed by a reminder dated 04.05.2018, repeating his request to consider his representations for revival of his appointment letter for the post of Constable (GD), which was turned down.

4. Learned counsel for the petitioner submits that the petitioner cannot be blamed for not joining on time due to his ill-health and in any case, DOP&T's O.M. dated 09.08.1995, issued in connection with the delay in joining service and revival of an offer of appointment after its cancellation, permits extension of time for six months, for keeping an offer of appointment open.

5. Assuming that the captioned O.M. was applicable to the petitioner and the timeline for joining could be extended, the period of six months reckoned from 10.04.2017, would have expired on 09.10.2017. Thereafter, the respondents could not in any case, extend the timeline for the petitioner to report for training. In fact, only after exhausting the extended period of six months, as postulated in the aforesaid O.M. did the petitioner approach the Principal, RTC, Deoli

on 10.10.2017, with a request to join the next batch for training, which could obviously not be considered favourably.

6. We are of the opinion that the present petition cannot be entertained as it is hopelessly barred by delay and *laches* and is, therefore, dismissed *in limine*.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 06, 2018

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