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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7396/2016**
EX. CT BHARAMARADDI Petitioner
Through: Mr. A.K. Trivedi and Mr. Naveen
Kumar, Advocates

versus

UNION OF INDIA & ORS. Respondents
Through: Mr. Kirtiman Singh, CGSC

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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21.08.2018

1. The petitioner, who was working on the post of Constable/GD, is aggrieved by the order dated 31.12.2013, passed by the Disciplinary Authority, dismissing him from service w.e.f. 31.12.2013 and the order dated 20.10.2015, passed by the Appellate Authority, rejecting his appeal on the ground of delay and *laches*.

2. Mr. Trivedi, learned counsel for the petitioner does not deny the fact that the statutory appeal was preferred by the petitioner beyond the prescribed period of three months and that it was belated by one year seven months. He submits that the petitioner had given a valid explanation in para 17 of the statutory appeal (Annexure P-10), wherein it was stated that the petitioner had travelled to Delhi, contacted an advocate and handed over his file to him but the said advocate did not take any steps and after some persuasion, the file was returned to him. On receiving the file back, the

petitioner had approached another advocate, who advised him to first approach the BSF Headquarters to obtain SSFC proceedings for preferring the statutory petition. Thereafter, the petitioner had obtained the SSFC proceedings on 09.06.2015 and the statutory appeal was drafted and submitted on 30.07.2015.

3. On perusing the impugned order dated 20.10.2015, passed by the Appellate Authority, we find that the explanation for the delay offered by the petitioner has not been dealt with. Instead, the said petition has been simply rejected on the ground of delay and *laches*.

4. We deem it appropriate to quash the impugned order dated 20.10.2015 passed by the Appellate Authority and condone the delay on the part of the petitioner in filing the statutory appeal. Further, directions are issued to the Appellate Authority to consider and decide the statutory appeal filed by the petitioner (Annexure P-10) on merits, within six weeks from today, under written intimation to him.

5. If the petitioner is aggrieved by the decision taken by the Appellate Authority, he shall be entitled to seek legal recourse, as may be advised.

6. The petition is disposed of.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 21, 2018

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