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

+ W.P.(C) 9756/2018 & C.M. Nos.38010/2018 (stay), 38011-12/2018
(exemption)

DR DEEPANJYOTI GAYAN

..... Petitioner

Through Ms.Herinder Kuar Brar with
Mr.Sarvesh Singh, Advs.

versus

UNION OF INDIA & ORS

..... Respondent

Through Mr.Rahul Sharma with Mr.C.K.Bhatt,
Advs.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR.JUSTICE V.KAMESWAR RAO

ORDER

% **17.09.2018**

1. The present petition has been filed by the petitioner praying *inter alia* for directing the respondent nos.1/UOI and respondent no.2/ITBP to correct the seniority list dated 15.01.2018 and place him above the respondent no.3.

2. On a perusal of the averments made in the present petition, it transpires that the respondent no.2 had initially issued a seniority list in the year 2010, wherein the name of the respondent no.3 had been

placed above that of the petitioner, making him senior to the petitioner.

3. We have therefore, requested learned counsel for the petitioner to address this Court on the delay and *laches* on the part of the petitioner in seeking legal recourse, when he was well aware of the fact that the name of the respondent no.3 was placed above him as long back as in the year 2010.

4. The only explanation offered by learned counsel for the petitioner for explaining such a prolonged delay is that the Department had discourage the petitioner from raising the said issue and going against the system and the petitioner being a new recruit then, was apprehensive of any adverse repercussions in the event, he would challenge the seniority list.

5. We are not impressed with the aforesaid submissions. The petitioner's initial appointment had taken place in the year 2009, while the seniority list in respect of Assistant Surgeons (Veterinary) was declared by the respondent no.2 in the year 2010. If the petitioner had any grievance with regard to the placement of the respondent no.3 above him, he should have raised the said issue within a reasonable time from the date of declaration of the seniority list.

6. It appears that the petitioner is aggrieved now because further promotion to the post of Chief Veterinary Officer is likely to take

place in the near future, based on the seniority list drawn in the year 2010 and operated thereafter, we do not seek any reason to interfere with the declared seniority list in the year 2010. The petition is dismissed on the ground of delay and *laches*, alongwith the pending applications.

HIMA KOHLI, J

V.KAMESWAR RAO, J

SEPTEMBER 17, 2018

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