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

+ **W.P.(C) 435/2019**

UMESH DUBEY

..... Petitioner

Through: Mr. Manoj Kr. Mishra and
Mr. Sandeep K. Dwivedi, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Bhagwan Swarup Shukla,
Mr. Chetan Shukla and
Mr. Kamaldeep, Advocates.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

% 18.01.2019

CM APPL. 1980/2019 (Exemption)

1. Exemption allowed, subject to all just exceptions.

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2. The prayer in the present petition is for a direction to the Respondents to issue an offer of appointment (joining letter) in the post of Deputy Judge Attorney General/ Deputy Commandant in I.T.B.P.

3. The narration in the petition shows that the Petitioner who is an advocate participated in the selection process for the above post pursuant to an advertisement dated 16th May 2013. According to the Petitioner, on the basis

of the final results subsequent to the selection process declared on 27th January 2014, he was selected.

4. However, no appointment letter as such has been issued to him as a result of which, he filed Writ Application No. 39349/2014 in the Allahabad High Court. An order dated 4th August 2014 was passed by that Court declining to entertain the petition for lack of territorial jurisdiction since “entire cause of action can be said to be at New Delhi”. The Petitioner was permitted to take recourse “as permitted in law”.

5. It appears that thereafter the Petitioner kept making either applications under the RTI Act or making representations to the Respondents regarding “fresh verification of character and antecedents of the Petitioner”. It appears that this was the reason why the Petitioner was not issued an offer of appointment in the first case.

6. Thereafter, further representations were made by the Petitioner on 20th November 2015 and 25th January 2015. By a communication dated 17th March 2016, he was informed that his request was rejected by the Competent Authority as being without merit.

7. There is no explanation why the Petitioner waited for yet another period of two years before coming to this Court. The learned counsel for the Petitioner states that in the meanwhile, one more representation was made by the Petitioner to the Respondents on 2nd August 2018.

8. The making of continuous representations does not satisfactorily explain the delay and laches in approaching the Court for relief. From the narration of the facts hereinbefore, it is clear that despite the Allahabad High Court having rejected the Petitioner's initial writ petition for lack of territorial jurisdiction way back on 4th August 2014, the Petitioner really did not take effective steps to seek relief in accordance with law.

9. The petition is accordingly dismissed on the ground of laches.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 18, 2019

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