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

+ **W.P.(C) 3227/2019**

SH. RAM NIWAS Petitioner
Through Mr. Ashok Sekhri, Adv.

versus

UNION OF INDIA AND ORS. Respondents
Through Mr. N. K. Srivastva, Sr. Counsel.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

% **01.04.2019**

CM APPL. 14850/2019 (Exemption)

Allowed, subject to all just exceptions.

This application is, accordingly, disposed of.

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Vide the present petition, the petitioner seeks directions thereby quashing and/or withdrawing the impugned order dated 03.07.2009 issued by respondent no. 3. He further seeks direction thereby directing the said respondent to grant Selection Scale to the petitioner with effect from 01.01.1986 alongwith all the cumulative benefits as per the press note (Order no. 4979672 published in the Newspaper on 25.04.2008) issued by the respondent no. 3.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was initially appointed as Lab Assistant on 20.11.1967 and thereafter he was entitled for Selection Scale with effect from 01.01.1986,

however, it has not given. Thereafter, the respondent wrongly granted first ACP on 09.08.1999. Had respondent granted Selection Scale to the petitioner w.e.f. 01.01.1986 then there is no question of granting ACP which has been granted on 09.08.1999. Thus, the petitioner has challenged the said order before this court and seeks direction thereby directing the respondent to give Selection Scale to the petitioner with effect from 01.01.1986.

As stated by the petitioner that he was eligible for Selection Scale on 01.01.1986, therefore, the petitioner being government servant would have been vigilant about his rights. He did not approach the court after 01.01.1986 when the Selection Scale was not given to the petitioner. Thereafter, the ACP was given on 09.08.1999 even that order was not challenged.

These two orders, in the present petition, hit by inordinate delay and laches.

Accordingly, the present writ petitioner is dismissed.

SURESH KUMAR KAIT, J

APRIL 01, 2019
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