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

+ **W.P.(C) 4815/2019 & CM APPL. 21428/2019**

B K NAGRE

..... Petitioner

Through: Mr. S.C. Soren and Mr. Hem Raj
Murmu, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondent

Through: Ms. Sunieta Ojha, Ms. Talish Ray and
Mr. Gajendra Singh, Advocate for
UOI.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI
HON'BLE MS. JUSTICE REKHA PALLI

ORDER
14.05.2019

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The petitioner has preferred the present writ petition to seek a direction to the respondent to convert/ tone down of major penalties imposed upon the petitioner vide orders dated 31.03.2014 and 05.09.2014 on the ground that they were disproportionate and the effect the of the said two major penalties is cumulative loss of complete 7 years of service in the career of the petitioner and on account of his service being treated as *dies non* in the said period.

The petitioner states that he has been severely punished for raising his

voice against false allegations of sleeping while on duty. The petitioner had earlier preferred W.P. (C.) No. 1870/2019. Since the impugned orders were passed in the year 2014 and the writ petition was preferred in the year 2019, the said petition was dismissed on 25.02.2019 with liberty to the petitioner to file a fresh petition explaining the delay in approaching the court for relief.

The petitioner has, accordingly, preferred this petition. The petitioner claims that after the passing of the penalty orders, he was sent to Jammu and Kashmir from January, 2015 onwards till May, 2017. In May, 2017, he was posted to India Government Mint at Noida. The petitioner claims that since he was posted in a highly disturbed area in the state of Jammu and Kashmir, he did not find time to prefer the present writ petition.

Firstly, we do not find merit in this submission for the reason that not only, he did not file any petition before this Court or any other Court, he did not even send his representation in relation to his grievance. Admittedly, since May, 2017 he has been posted at Noida and, even if, his first submission were to be accepted, he could have preferred the petition after his posting at Noida in May, 2017. There is no explanation for the immense delay in filing the present petition. The petition is, therefore, liable to be dismissed on the ground of delay in latches.

The submission of learned counsel for the petitioner that his cause of action has arisen on 14.02.2019 when his representation was rejected by observing “*no provision to consider his 2nd appeal as per CISF Rules. Hence no action is required to be taken at this stage*”, has no merit, when the petitioner has himself delayed in making of the representation, rejection of such delayed representation could not revive the cause of action which is

lost with the passage of time.

Even otherwise, we do not find merit in the present petition. The two orders of punishment show that the petitioner was repeatedly found sleeping while on duty. The order dated 31.03.2014, in fact, shows that when he was woken up, he misbehaved with his superior.

In these circumstances, the punishment imposed upon the petitioner of deduction of one increment for a period of three years – vide order dated 31.03.2014 and punishment of deduction of one increment for a period of two years – vide order dated 05.09.2014, does not appear to be too harsh or unjustified.

Dismissed.

VIPIN SANGHI, J

REKHA PALLI, J

MAY 14, 2019

N.Khanna