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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 9299/2019 & CM APPL. 38355/2019
ANIL KUMAR ANAND Petitioner
Through Petitioner in person.

versus

UNION OF INDIA AND ORS. Respondent
Through Mr. Gaurav Varma, Advocate for R1.
Mr. Sanjeev Kumar, Mr. Sanjay
Kumar, Mr. Maik H.K. Mr. Rajnish,
Advocates for R2.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **19.11.2019**

1. The present petition has been filed by the petitioner challenging the vires of the Staff Rule 21 (1) of the Unit Trust of India (Staff) Rules, 1978 and for declaring the same as void-ab-initio.
2. The facts of the case reveal that the service of the petitioner was terminated by the respondent No.3 on 26.02.2018. This termination was challenged by him on filing a writ petition (W.P.(C) No. 6042/18), which is pending adjudication. It has been averred in the present petition that vide Circular dated 23.10.1998, the respondent No. 2 erstwhile UTI had issued a Circular No. 9/98-99 stating *inter alia* that it had decided to raise the age of retirement of the employees of UTI from 58 to 60 and it was clarified that

the said amendment would apply to Class-I and Class-III employees, who were in active service on 29.05.1998. The petitioner being a Class-I employee in service had got the benefit of the said Circular. However, three years down the line, vide Circular No. 4/2001-2002 dated 18.10.2001, the age of superannuation of the Class-I officers was brought back to 58 years. It is the contention of the petitioner that this was done by the respondent No.2 without obtaining prior permission of the respondent No.1/Union of India and it is for the said reason that the present petition has been filed.

3. To our mind, the present petition is hopelessly barred by limitation. The petitioner was all along aware of the issuance of the impugned Circular dated 18.10.2001 and if aggrieved, he ought to have approached the Court within a reasonable time but certainly not after almost 18 years reckoned from the date of issuance of the Circular. Even otherwise, the records reveal that the service of the petitioner was terminated by the respondents on 30.05.2018, which action has been challenged by him in a separate proceeding. Besides the said proceeding, the petitioner has also filed another petition challenging his transfer order, which is also pending adjudication.

4. Had the petitioner continued in service, he would have superannuated at the age of 58 years in the month of August, 2019. By now, the petitioner has crossed 58 years. Merely because he has elected to file the present petition one week before the date of his superannuation, had he remained in service, will not ennure to his benefit when the delay in filing the petition is so protracted. The averments made in para-34 of the petition that the petitioner has approached the court as soon as the illegality of the action of

the respondent No.2 came to light on the basis of some documents filed by the respondents in a writ petition pending in the Bombay High Court, can hardly be a ground to condone such a prolonged delay.

5. We therefore decline to exercise the extra ordinary power vested in this Court under Article 226, in favour of the petitioner.

6. The present petition is accordingly dismissed *in limine* as being hopelessly barred by limitation, alongwith the pending application.

HIMA KOHLI, J

ASHA MENON, J

NOVEMBER 19, 2019/MK