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

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+ **W.P.(C) 10226/2019**

SHRI JAGBIR SINGH Petitioner

Through: Mr K.K. Sinha, Advocate.

versus

UNION OF INDIA AND ANR. Respondents

Through: None.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE TALWANT SINGH

ORDER

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20.09.2019

CM 42195/2019 (exemption)

1. Allowed, subject to all just exceptions.

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2. The prayer in the present petition is to set aside an order dated 27th October, 2016 passed by the Additional Chief Security Commissioner, Railway Protection Force ('RPF'), Northern Railways, declining the Petitioner's request that he should be granted seniority in the rank of Head Constable ('HC') from the year 1999. The further prayer is for a direction to the Respondent No.1 to declare the Petitioner as having qualified in the Limited Departmental Competitive Examination ('LDCE') held for the promotion to the rank of HC, RPF, in the year 1999 itself.

3. From the narration of facts by the Petitioner himself, it is seen that he sat for the LDCE way back in the year 1999, and his name did not figure in the

selection list notified by the Departmental Selection Committee ('DSC') on 5th April, 1999. The Petitioner was in the regular course promoted as HC later on 24th June, 2016, on the basis of seniority. On 29th September, 2016, the Petitioner purportedly made a representation claiming seniority in the cadre of HC from 1999 onwards. In response thereto, he was informed by a letter dated 25th October, 2016 and 29th November, 2016 that the Petitioner had not qualified in the LDCE, although he had appeared in the selection.

4. It appears that only on 27th February, 2017, in response to an application by the Petitioner under the Right to Information Act, 2005 ('RTI Act') it is informed that he was given a copy of the broad sheet setting out the marks obtained by him in the LDCE.

5. The Petitioner now claims, on the basis of those marks, that he should have been declared qualified as HC in the LDCE, which took place in 1999 itself.

6. It is this request that has been rejected by the impugned order.

7. The Petitioner appears to have slept over the matter for nearly 17 years and did not care to find out the result of the LDCE. The Petitioner has been informed, in response to the last application, by a letter dated 17th May, 2017, that being an 18 years correspondence, the list of 207 eligible / selected constables is not available.

8. The Petitioner ought to have approached the Respondents in good time to seek his remedies. By sleeping over the matter for nearly two decades, the

Petitioner cannot expect the Respondents to address his grievances, regarding fixation of his seniority in the rank of HC.

9. In the circumstances, the Court sees no reason to interfere with the impugned order. The petition is accordingly dismissed. No costs.

S. MURALIDHAR, J.

TALWANT SINGH, J.

SEPTEMBER 20, 2019

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