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

+ LPA 749/2019, C.M. Appl. No. 51274-51277/2019

KARTAR SINGH Appellant

Through: Mr. Varinder Kumar Sharma,
Advocate

versus

UNION OF INDIA & ORS

.....Respondents

Through None

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% **29.11.2019**

C.M. Appl. No. 51274-51275/2019 (Exemption)

Exemption allowed subject to all just exceptions.

LPA 749/2019, C.M. Appl. No. 51276/2019 (Condonation of delay in filing the appeal) C.M. Appl. No. 51277/2019 (Condonation of delay in re-filing the appeal)

1. The present appeal has been filed by the appellant/petitioner being aggrieved by the order dated 18.07.2019, passed by the learned Single Judge whereunder a petition filed by him praying inter alia, for issuing directions to the respondent, promoting him in Group C Service up to 11.03.1973, in Group B service from 12.03.1973 to 12.06.1973 and in Group A Service w.e.f. 13.06.1973 till the date of his retirement in the year 1993, with all

consequential reliefs relating to pension and other benefits has been dismissed on the ground that the said petition is hopelessly barred by delay and latches.

2. Mr. Sharma, learned counsel for the appellant submits that the delay on the part of the appellant should not be an impediment for him to seek his rightful claims and nor should the fact that the appellant had superannuated on 31.07.1993, be an impediment.

3. We are not impressed by the submission made by learned counsel for the appellant. A litigant is expected to approach the court within a reasonable time from the date a grievance arises against the respondent. In the instant case, the claim of the appellant that he had succeeded in a writ petition filed by him jointly with other employees as long back as in the year 1972, where after, the respondent/ UOI had revived the seniority list as directed by the court, but no DPC was conducted during his tenure can hardly be a consideration for the simple reason that if the DPC had not been constituted by the respondent/UOI within a reasonable time of reviving the seniority list, an actionable cause of action had arisen in favour of the appellant long ago, which for reasons best known to him, he did not prefer to redress in a court of law.

4. In proceedings initiated under Article 226 of the Constitution of India, though delay itself may not ordinarily be a ground to non-suit a party, but such an inordinate delay spanning over 26 years was sufficient reason for the learned Single Judge to have declined to entertain the petition filed by the appellant. The claim of the appellant is stale by now.

5. We do not see any reason to interfere in the impugned order which is affirmed. The appeal is dismissed *in limini*, alongwith the pending applications.

HIMA KOHLI, J

ASHA MENON, J

NOVEMBER 29, 2019

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