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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 5103/2018

VYAS DEV, EX HC/GD

..... Petitioner

Through: Mr O.P. Agarwal, Advocate.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr Anil Dabas, Advocate.

CORAM:

JUSTICE S.MURALIDHAR

JUSTICE SANJEEV NARULA

ORDER

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07.01.2019

1. On 14th May, 2018, this Court passed the following order:

“1. Having regard to the, fact that petitioner seeks quashing of an order dated' 17.05.2013 passed by the Disciplinary Authority and upheld by the Appellate Authority on 16.09.2013 as also the order passed by the Revisional Authority four years ago on 08.05.2014, we have asked learned counsel for the petitioner to address us on the inordinate delay in approaching the Court.

2. After addressing arguments at some length, Mr. P.P. Agarwal, learned counsel for the petitioner states that he may be permitted to file an affidavit of the petitioner to explain the delay in filing the present petition. Needful shall be done within six weeks with a copy to the other side.

3. List on 23.08.2018.”

2. On the next date i.e. 23rd August, 2018, the above order was not complied with. Initially, no application was filed seeking extension of time, but simply an adjournment slip was circulated and the following order was passed:

“1. An adjournment slip has been circulated on behalf of the petitioner to which no objection has been given by the other side.

2. List on 7th January, 2019.”

3. Today when the matter was called out, Mr Agarwal , learned counsel for the Petitioner, first tried to explain that in fact there was no delay in filing the present petition by referring to prayer (b) of the prayer clause which seeks quashing of an order passed by the Competent Authority on 18th January, 2017.

4. It is seen that the present petition was filed on 12th April, 2018 which itself was one year and three months after the aforementioned order. In any event, the order dated 14th May, 2018 passed by this Court revealed that Mr Agarwal had himself offered to file an affidavit explaining the delay. No petition seeking recall of the order dated 14th May, 2018 has been filed by the Petitioners. Therefore, the contention of the Petitioner that there is no delay in filing of the petition is accordingly rejected.

5. Mr Agarwal then earnestly pleaded that the Petitioner be given more time to comply with the order dated 14th May, 2018. The Court finds that sufficient time has already been granted to the Petitioner in that regard.

6. The petition is accordingly dismissed but, in the circumstances, with no orders as to costs.

S. MURALIDHAR, J.

SANJEEV NARULA, J.

JANUARY 07, 2019
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