$~

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

16

\+ **W.P.(C) 7274/2018**

JEET SINGH ..... Petitioner

Through: Mr S.R. Jolly, Advocate.

versus

UNION OF INDIA & ORS. ..... Respondents

Through: Mr Vijay Joshi, Senior Panel Counsel for UOI.

CORAM:
JUSTICE S.MURALIDHAR
JUSTICE I.S.MEHTA

O R D E R

% 14.03.2019

CMs 27763/2018 and 42869/2018 (exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 7274/2018 & CM 42868/2018 (delay)

2. The Petitioner who voluntarily retired from the Central Industrial Security Force ('CISF') as Assistant Sub Inspector ('ASI') has filed the present petition seeking quashing of an order dated 1st December, 2011 passed by the Deputy Commandant, CISF, accepting his request for voluntary retirement. He has also sought the setting aside of the reply dated 25th January, 2017 rejecting his plea for disability pension. He has also sought release of the MACP benefits with effect from 2nd September, 2009.

3. On 2nd August, 2018, the following order was passed:

> 1. Counsel for the petitioner has been called upon to explain the inordinate delay on the part of the petitioner for seeking release of payments of MACP w.e.f. 2.9.2009 and for constitution of a

Medical Board to examine him when, as per his discharge certificate, he was granted voluntary retirement by the respondent CISF as long back as on 01.12.2011.

2. We have requested learned counsel for the respondents to explain the delay in seeking legal recourse.

3. Learned counsel for the petitioner states that he may be permitted to file an affidavit to explain the delay in approaching this Court. He adds that the petitioner has remained indisposed in all this duration. The requisite medical certificate of the petitioner indicating his health condition from the year 2011 onwards till date, shall also be enclosed with the said affidavit. Needful shall be done within two weeks with a copy furnished to the other side.

4. List on 14.03.2019."

4. Thereafter, the Petitioner filed an application being CM No.42868/2018 seeking condonation of delay of 2247 days in filing the petition.

5. Learned counsel for the Respondents informs the Court today that as far as the MACP benefits of the Petitioner are concerned, the same has been granted to him by an order dated 21st February, 2017. He has also placed before the Court a copy of the handwritten application dated 8th November, 2011 submitted by the Petitioner to the Respondents seeking voluntary retirement. The Respondents claim that they acceded to his request and voluntarily retired the Petitioner from service.

6. Learned counsel for the Petitioner, when provided a copy thereof, has made a sweeping allegation that the said letter is a fabricated one.

7. At this stage, the Court is not persuaded that the Respondents had acted on any forged or fabricated document, which forms part of their record. Learned counsel for the Respondents has also pointed out as to how the signatures of the Petitioner in the letter tallies with the specimen signatures which are available in the records of the Respondents.

8. With the allegation being a serious one, the Court does not propose to act upon it immediately, but permits the Petitioner to seek appropriate remedies in criminal law if he is of the view that the letter is indeed fabricated.

9. The Court is, therefore, not persuaded to entertain the present petition and it is dismissed both on the grounds of laches and merits. The pending application is also disposed of.

S. MURALIDHAR, J.

I.S.MEHTA, J.

MARCH 14, 2019
rd