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

Date of Decision: 08.01.2020

+ W.P.(C) 149/2020

LEKH RAJ

..... Petitioner

Through: Mr. Prateek Tushar Mohanty,
Advocate with Ms. Payal
Mohanty, Advocate and Mr.
Tushar Ranjan Mohanty,
Advocate.

versus

GOVERNMENT OF NCT OF DELHI AND OTHERS... Respondents

Through: Mr. Nitesh Kumar Singh,
Advocate.

CORAM:

HON'BLE MR. JUSTICE G.S. SISTANI

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

J U D G M E N T

G.S.SISTANI, J. (ORAL)

C.M. No.406/2020 (exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

W.P.(C) No.149/2020

1. The petitioner is aggrieved by decision dated 29.05.2015 rendered by the Central Administrative Tribunal and the order dated 04.02.2019 passed in review.

2. Counsel for the petitioner submits that petitioner was suffering from mental illness, for which he was undergoing treatment ; and accordingly he remained absent from duty. He further submits that entire procedure followed by the inquiry officer is bad in law and is

liable to be quashed. He submits that even the charge-sheet was prepared after evidence was concluded.

3. Learned counsel for the respondent, who enters appearance on an advance copy, submits that the O.A. was filed beyond the period of limitation as the charge-sheet was issued on 11.01.2006 ; order of punishment was passed in 2007 ; and the O.A. was filed in the year 2013 which was dismissed in 2015. Thereafter the review application was also filed in the year 2018. He submits that, as per their records, petitioner has remained absent from duty for more than 378 days, 13 hours and 30 minutes. He further submits that being a member of a disciplined force, such absence without leave cannot be tolerated and the petitioner cannot be granted any relief.

4. We have heard counsel for the parties.

5. We find that the O.A. filed by the petitioner was seriously barred by limitation. The review filed was also barred by limitation. The period of absence is also unexplained as there is no record to support that the petitioner was suffering from any mental illness. Moreover, as per the petitioner's own representation, he was undergoing treatment from a Tantrik.

6. In these circumstances, we find no ground to interfere. Accordingly the petition is dismissed.

G.S.SISTANI, J.

ANUP JAIRAM BHAMBHANI, J.

JANUARY 08, 2020/Ne