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

+ **W.P.(C) 14825/2021**

AFROZ KHAN

..... Petitioner

Through **Mr.Anil Kumar Bhakta, Advocate.**

versus

UNION OF INDIA AND OTHERS

..... Respondents

Through **Mr.Rishabh Sahu, Central Govt. Sr. Counsel with Mr.Nitish Kumar Singh, Advocate and Mr.Vivek Kumar Singh DC, Law, CRPF.**

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Date of Decision: 22nd December, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVING CHAWLA

J U D G M E N T

MANMOHAN, J (Oral):

C.M.No.46711/2021

Exemption allowed, subject to all just exceptions.

Accordingly, the application stands disposed of.

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1. Present writ petition has been filed challenging the dismissal of Petitioner's father from the CRPF on 09th October, 1993. Petitioner also

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seeks directions to the Respondents to consider the Petitioner's representation dated 04th December 2017 for grant of pensionary and other benefits to the petitioner's mother as well as for appointment of Petitioner on compassionate ground.

2. Learned counsel for the Petitioner states that the Petitioner's father was dismissed from CRPF w.e.f. 09th October 1993, due to the mental illness of Chronic Schizophrenia. He states that the Petitioner's father was dismissed without conducting a fair enquiry and on the grounds of overstaying leave. He points out that the Respondents failed to acknowledge the mental illness of the Petitioner's father while passing the dismissal order against him.

3. He states that the Petitioner's mother preferred a representation dated 31st August 1995 seeking her compassionate appointment. However, the Respondents communicated vide response dated October 1997, that since the Petitioner's father was dismissed from service after a departmental enquiry, it was not possible to consider her for compassionate appointment.

4. Having heard learned counsel for the Petitioner and having perused the paper book, this Court is of the view that the Petitioner's cannot challenge the dismissal order of his father after lapse of more than twenty eight years. Further, the *alibi* of the Petitioner that his father was mentally disturbed when he was removed from service in 1993 does not inspire confidence, as the Petitioner was born (according to the affidavit in support of the petition) after the date of his father's dismissal from service. In any event, the Petitioner's case that his father was mentally disturbed on the date of his dismissal is not supported by any contemporaneous document.

5. Consequently, the present writ petition being bereft of merit is dismissed both on account of delay, laches as well as merit.

MANMOHAN, J

NAVIN CHAWLA, J

**DECEMBER 22, 2021
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