$~3 (2021)

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

% *Decision delivered on: 02.09.2021*

\+ **W.P.(C) 2383/2020**

ANAND SINGH ..... Petitioner

Through: Mr. Naveen Kumar Raheja, Adv.

*versus*

UNION OF INDIA & ORS ..... Respondents

Through: Ms. Amrita Prakash, CGSC For Respondents.

**CORAM:**
**HON'BLE MR. JUSTICE RAJIV SHAKDHER**
**HON'BLE MR. JUSTICE TALWANT SINGH**

**RAJIV SHAKDHER, J. (ORAL):**

**[Court hearing convened via video-conferencing on account of COVID-19]**

1. This writ petition is directed against the order dated 30.11.2016, passed by the Central Administrative Tribunal (in short, the "Tribunal") in O.A No. 100/137/2014.

2. On being queried, as to why the petitioner did not approach the Court earlier, we were informed by Mr. Naveen Kumar Raheja, who appears for the petitioner, that the writ petition was filed in 2020.

3. We may note that although the date given on the writ petition is 28.10.2019, the affidavit appended to the writ petition is sworn on 23.12.2019; therefore, this writ petition, as indicated by Raheja, appears to have been filed in 2020.

4. Apart from the unexplained delay, in approaching this Court, on merits also, we are not impressed by the case set up by the petitioner.

5. As per the averments made, the petitioner was appointed as Chowkidar in the Income Tax Appellate Tribunal (ITAT), albeit, on ad-hoc basis for a period of 6 months, on 22.05.2006.

6. Evidently, the petitioner was issued several warnings, which led to his tenure as Chowkidar, not being extended beyond 12.04.2010. The record shows that the petitioner, thereafter, filed representations with the respondent. Since these representations were not actioned, the petitioner approached the Tribunal.

6.1. The petitioner's original application was numbered as OA No. 4335/2012. This OA was disposed of by the Tribunal *vide* order dated 20.12.2012. The Tribunal, *vide* the said order, directed the respondents to consider the petitioner's representation dated 20.06.2012 and the demand notice dated 04.09.2012.

6.2. The respondents were directed to pass a speaking order within 2 months from the date of receipt of a copy of the order passed by the Tribunal. The respondents disposed of, as directed by the Tribunal, the representations, *vide* order dated 01.03.2013. The essence of the order dated 01.03.2013, passed by the respondents, is captured in paragraph 3 of the impugned order.

7. As noticed above, the order dated 01.03.2013 captures a litany of warnings issued to the petitioner.

8. The Tribunal, having considered the matter at length, refused to disturb respondents' order, dated 01.03.2013. In effect, the petitioner's application was disposed of.

9. Mr. Naveen Kumar Raheja, who appears for the petitioner, says that the petitioner ought to have been regularized, as was done in the case of his

juniors, and the failure to do so, has rendered the order, dated 01.03.2013, passed by the respondents, untenable in law.

10. We may note that Ms. Amrita Prakash, who appears on advance notice on behalf of respondents, says that no interference is called for, having regard to the detailed reasons given in the order, dated 01.03.2013.

11. According to us, the petitioner has delayed approaching the appropriate forum, at every stage. The first delay was in approaching the Tribunal.

12. However, as noticed above, the Tribunal, without getting into this aspect of the matter, directed the respondents to deal with the representations and demand notice dated 20.06.2012 and 04.09.2012, respectively.

12.1. As noted at the very outset, the petitioner has taken its own sweet time in approaching this Court. The impugned order, as indicated above, was passed on 30.11.2016. There is no explanation, as to why the instant petition was filed in February 2020.

12.2. This apart, given the fact that petitioner's record is less than satisfactory, we are not inclined to exercise our power under Article 226 of the Constitution of India, and interfere with the impugned order.

13. The writ petition is, accordingly, dismissed.

**RAJIV SHAKDHER, J**

**TALWANT SINGH, J**

**SEPTEMBER02, 2021/***nk*

*Click here to check corrigendum, if any*