



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

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Date of decision: February 20, 2024

+ W.P.(C) 1979/2020 & CM APPL. 6922/2020

(18) S. S. VERMA

..... Petitioner

Through: Mr. Shaharyar Ali and Mr. Ajay
Kumar Singh, Advs.

versus

CENTRAL INDUSTRIAL SECURITY FORCE (THROUGH
DIRECTOR GENERAL)

..... Respondent

Through: Mr. Vikrant N. Goyal, CGSC with
Mr. Nitin Chandra and Mr. A. Awhan
Mohapatra, Advs. with AC/F P A.
Sheejo, SI/T Prahalad Devendra, SI/E
Amit Kumar, CT/Gd. Palve Nitesh.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed by the petitioner with the following prayers:

"It is therefore, most respectfully prayed that this Hon'ble Court may be pleased to:

(i) Issue a writ of certiorari or any other appropriate writ, order or direction thereby setting aside the impugned order dated 17.03.2006 in order No. V-11014/APS/12/LC/05/2466 whereby the respondent through its Inspector General has wrongly upheld the



order of appellate authority which confirmed the penalty imposed by disciplinary authority on the petitioner in respect of charge framed vide charge memorandum dated 02.07.2004 which has been wrongly proved by the enquiry officer.

(ii) Any other or further order(s) as this Hon'ble Court may deem fit and proper in view of the facts and circumstances of the present case."

2. In effect, the petitioner is challenging the proceedings which have been initiated against him which culminated in an order of penalty dated September 10, 2005, whereby his pay was reduced to a lower stage from ₹3,880/- to ₹3,795 in the time-scale for a period of two years with a further direction that he would not earn increments of pay during the period of such reduction and that on expiry of this period, the reduction would have the effect of postponing his future increment of pay.
3. Concedingly, the appeal against the said penalty was dismissed on March 17, 2006.
4. Apparently, we find that the challenge in this petition is to the orders of the year 2005-2006. The petition has been filed in the year 2020, i.e., after a lapse of 14-15 years.
5. An affidavit has been filed by the petitioner to justify the delay in approaching this Court. We have perused the affidavit, wherein it is stated, the delay in filing the writ petition must be considered liberally as proceedings are primarily invoking the jurisdiction of this Court under Article 226 of the Constitution of India.



6. In support of this submission, learned counsel for the petitioner has relied upon the judgments of the Supreme Court in the cases of *Collector, Land Acquisition, Anantnag & Anr. v. Katiji and Ors.*, 1987 (2) SCC 107, *M/s. Dehry Rohtas Light Railway Company Ltd. v. District Board, Bhojpur & Ors.*, (1992) 2 SCC 598 and *Postmaster General & Ors. v. Living Media India Ltd. & Anr.*, 1992 (3) SCC 563. We note the Supreme Court in these judgment has *inter alia* held that the doctrine of delay and laches must be applied in a rational common sense pragmatic manner and when substantial justice and technical consideration are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay and also that in a matter of condonation of delay when there is no gross negligence or deliberate inaction or lack of bona fides, a liberal concession has to be adopted to advance substantial justice. Suffice to state, it is not such a case herein. This we say so because on perusing the contents of the affidavit, it is clear that the delay has not been cogently and convincingly explained by the petitioner.

7. It is also a settled position of law that any delay in filing the petition has to be explained by cogent, convincing and persuasive explanation to justify delay/condonation thereof. [Ref. *Union of India (UOI) and ors. v. Shri Hanuman Industries and ors.* MANU/SC/0580/2015].

8. The other plea of learned counsel for the petitioner is that the petitioner has been regularly transferred from one place to another in



the Country and as such could not pursue the matter is also not appealing as the petitioner was within his right to approach the Court of competent jurisdiction at a place / nearer to the place where he was posted.

9. The filing of this petition surely in the year 2020 that too after filing of the representation for the first time in the year 2018 shall be clearly hit by delay and laches. The petition is dismissed. No costs.

CM APPL. 6922/2020

Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 20, 2024/jg