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

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Date of decision: September 14, 2022

+ W.P.(C) 13336/2022

SUNIL KUMAR PANDEY

..... Petitioner

Through: Mr. Chirag Jamwal, Advocate.

Versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Heman Kumar Yadav, SPC with
Mr. Gurjas Singh Narula, Advocates.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (oral)

CM APPL. 40452/2022 (exemption)

1. Application allowed, subject to all just exceptions.
2. The application is accordingly disposed of.

W.P.(C) 13336/2022

3. By way of the present petition, petitioner seeks following reliefs:-

*“a. To set aside and quash the order dated 25.02.2008
passed by Respondent No. 2.*

*b. To direct the Respondent to reinstate the Petitioner
with full service benefits.”*



4. As per impugned order dated 25.02.2008 and Charge Memorandum issued against the petitioner on 09.08.2006, at about 18:30 hours after leaving the unit complex on his own will, he consumed liquor and at the time of returning to the unit complex, Sh. C.N. Kuchekar, BARC, Security Personal deputed at gate no. 3 of the residential colony demanded his ID Card which he refused to show, as such he was taken to the concerned senior officer Mr. V.K. Tribhuvan to show ID Card but there also the petitioner declined, after which Sub-Inspector, Trombay Police Station, interfered but the petitioner misbehaved with him as well. Being a member of the Armed Forces by consuming liquor, showing bossism and indiscipline act with BARC security personnel and with Sub Inspector of Police, shows grave misconduct on the part of the petitioner, therefore he was charged and vide order dated 02.12.2006 and was removed from the service.

5. Being aggrieved, petitioner made an appeal on 24.01.2007, which was rejected vide order dated 14.05.2007, thereafter, he filed a Revision Petition on 10.01.2008, the same was also rejected vide order dated 25.02.2008.

6. As stated in the present petition, thereafter, the petitioner was suffering from hyper tension and depression, however, made various representations through General Secretary, Bihar State Ex-Service League and continued to make representations. Though as per the record, the petitioner has failed to file any medical document due to which he could not file the present petition before this Court. Further, the first representation was belatedly made only on 03.03.2014, i.e., after more than six years of the dismissal of the Revision Petition on 25.02.2008. However, it is not in dispute that there is no provision to file the representation after losing the



battle at all stages.

7. In view of all the above, the present petition is dismissed on account of delay and latches.

(SURESH KUMAR KAIT)
JUDGE

(SAURABH BANERJEE)
JUDGE

SEPTEMBER 14, 2022/So