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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 988/2022
SUBEDAR KRISHAN KUMARPetitioner
Through: Mr.Vishal Ji, Adv.
versus
UNION OF INDIA AND ANRRespondents
Through: Ms.Arti Bansal, SPC

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

% **30.09.2024**

1. This petition has been filed by the petitioner seeking promotion along with all consequential benefits and arrears, claiming that he was eligible for promotion with effect from 01.04.2000.
2. It is the case of the petitioner that the petitioner joined the Indian Army as Rfn (GD) on 24.07.1980. He was promoted to the rank of NK (GD) with effect from 29.06.1991 and as Havildar (GD) on 14.07.1994. One Mr.Deb Ram Arya, who was a senior to the petitioner had been red marked by the Department and was under punishment for one year. He was not supposed to be promoted for one year till 04.06.2000, having been awarded severe reprimand and deprived of the appointment of BQMH on 04.06.1999. However, he was promoted to the rank of Naib Subedar (GD) with effect from 05.06.2000 *vide* order dated 21.06.2000. The petitioner on the other hand was promoted to the rank of Naib Subedar (GD) only on 05.05.2008. Consequently, the petitioner filed various representations. The petitioner not having found redressal from the respondents, filed the present petition on or about 17.12.2021.
3. This Court by its order dated 13.09.2024 *prima facie* found that the petition having been filed almost 20 years post the date of the



Impugned Departmental Promotion Committee, was liable to be dismissed on grounds of delay and laches.

4. Today, the learned counsel for the respondents, placing reliance on the judgments of this Court in ***Ajai Vatan v. Govt. of NCT of Delhi & Ors.***, 2024:DHC:3123-DB; and ***Kewal Krishan v. Union of India & Anr.***, 2024:DHC:6613-DB, submits that the present petition is liable to be dismissed solely on the ground of delay and laches.

5. We find merit in the objection of the respondents. As is evident from the above, it is the case of the petitioner that Havaldar Deb Ram Arya had been wrongly promoted to the post of Naib Subedar (GD) on 21.06.2000 with effect from 05.06.2000. The present petition has been filed more than 21 years thereafter, merely stating that the petitioner had filed various representations in this regard.

6. In ***Ajai Vatan*** (supra), this Court in similar circumstances, placing reliance on the judgment of the Supreme Court in ***Union of India and Ors. v. Tarsem Singh***, (2008) 8 SCC 652, held that the petitioner having slept over his rights, cannot be allowed to agitate the same belatedly. Similar view was expressed by this Court in ***Kewal Krishan*** (supra).

7. Keeping in view the above, we find that the present petition suffers from gross delay and laches and is liable to be dismissed on this short ground itself.

8. The petition is dismissed. There shall be no order as to cost.

NAVIN CHAWLA, J

SHALINDER KAUR, J

SEPTEMBER 30, 2024/Arya/as

[Click here to check corrigendum, if any](#)