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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 7822/2024

SMT. GEETA DEVI

.....Petitioner

Through: Mr.Anuj Saini, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Subodh Kumar Kaushik,
Ms.Chhaya Sharma & Mr.Arn timer Mittal, Adv.
with Mr.V.S.Rawat, Asst. Commdt., CISF,
Mr.Prahlad & Mr.Amit Kumar, SIs, CISF.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

14.08.2024

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1. The present petition has been filed by the widow of late Ex-Constable Mr.Satish Kumar, who was dismissed vide order dated 16.06.1998 after having served with the Central Industrial Security Force (CISF) for nine years, seeking the following reliefs:-

*“(i) issue a writ in the nature of certiorari by quashing the order dated 16.06.1998 for dismissal of ‘Service Personnel’ from service passed by the Dy. Inspector General of R.P.F. being arbitrary, based on presumptions and illegal and
(ii) direct the respondent to consider ‘Service Personnel’ having served the respondent upto the date of his death and release all service benefits consequentially;
(iii) award cost of petition in favour of petitioner;
(iv) Pass any other appropriate writ, order or direction as deem just and proper in the circumstances of the case.”*

2. We may note that the petitioner’s late husband, who died in a road accident on 24.10.2019, had not approached the Court to assail his dismissal from service and had merely been making certain



intermittent appeals/representations to the respondents. In fact the present petition has also been filed five years after the death of late Mr.Satish Kumar.

3. On the last date, this Court had put to learned counsel for the petitioner as to why the writ petition should not be dismissed on the ground of delay and laches itself. He had, therefore, prayed for time to make submissions.
4. Today, he concedes that even though the petitioner's late husband was alive till October 2019 i.e., for 26 years after his dismissal from service, he had initiated no action to assail his dismissal from service during this period.
5. In these circumstances, we are of the view that the petition is grossly barred by delay and laches. We, therefore, find no reason to entertain this belated challenge by the petitioner to the dismissal of her late husband. The writ petition is, accordingly, dismissed.
6. We, however, make it clear that the dismissal of the present writ petition will not come in the way of the petitioner submitting an application for compassionate allowance under Rule 41 of the CCS (Pension) Rules, which application, if moved by her, will be considered on its own merits by the respondents.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 14, 2024

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