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

+ **W.P.(C) 16442/2023**

PRABHU DAYAL

..... Petitioner

Through: Advocate (*appearance not given*).

versus

THE GOVT. OF NCT OF DELHI AND ORS

..... Respondents

Through: Mrs. Avnish Ahlawat, Standing Counsel with Mrs. Tania Ahlawat, Mr. Nitesh Kumar Singh, Ms. Laavanya Kaushik, Ms. Aliza Alam and Mr. Mohnish Sehrawat, Advocates for GNCTD.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

06.02.2024

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CM APPL. 66234/2023 (Ex.)

1. Exemption allowed, subject to all just exceptions.
2. The application stand disposed of.

W.P.(C) 16442/2023 AND CM APPL. 66235/2023 (Addl. doc.)

3. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 01.04.2002 passed by the learned Central Administrative Tribunal in O.A. No. 423/2001. Vide the impugned order, the learned Tribunal has rejected the original application preferred by the petitioner wherein he had assailed the recommendations of the DPC held on 31.05.1988,



19.08.1991, 08.04.1992 and 18.01.1994, whereby his case for promotion to list 'E' (Ministerial) Sub-Inspector of the respondents was not recommended. Vide the impugned order, the petitioner's challenge to the penalty order dated 23.09.1987 and the penalty of the Censure imposed on him on 30.11.1990 have also been rejected.

4. From a perusal of the record, it is evident that the present writ petition has been filed almost 22 years after the passing of the impugned order. The same is, therefore, grossly barred by delay and laches.

5. When faced with the query, learned counsel for the petitioner submits that the petitioner could not approach this Court earlier as he was not only dismissed from service but also was facing criminal proceedings in which he was acquitted only in the year 2016.

6. Having heard the learned counsel for the petitioner and perused the record, we find absolutely no justifiable reason for condoning the delay on the part of the petitioner in not approaching the Court at an earlier stage. Even if we were to accept the plea taken by the petitioner, that he was acquitted from criminal charges in 2016, there is no justification in not approaching the Court for another 7 years. Furthermore, we are also of the considered view that allowing the petitioner to raise claims regarding his case promotion which was rejected between 1988 to 1994, at this belated stage, would amount to unsettling the settled position.

7. We, therefore, find absolutely no merit in the writ petition



which is, accordingly, dismissed on the ground of delay and laches.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

FEBRUARY 6, 2024/_p