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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4008/2024**
SHRI. MANOJ RAJPUT Petitioner
Through: Mr.Satish Kumar, Adv.

versus

THE COMPTROLLER AND AUDITOR GENERAL OF INDIA
..... Respondent
Through: Mr.A.K.Tewari & Ms.Yasha Dutt,
Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

% **18.03.2024**

CM APPL. 16380/2024 & CM APPL. 16381/2024

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

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3. The present writ petition under Article 226 of the Constitution of India seeks to assail the order dated 09.11.2023 passed by the learned Central Administrative Tribunal (Tribunal) in O.A No.276/2023. Vide the impugned order, the learned Tribunal has dismissed the original application filed by the petitioner/applicant on the ground of being barred by limitation and has consequently rejected his challenge to the termination order dated 05.06.2015 as also the order dated 27.06.2022, vide which he was informed that his appeal could not be considered at this belated stage.
4. Learned counsel for the petitioner submits that the learned Tribunal has failed to appreciate that the impugned termination order dated



05.06.2015 vide which the petitioner was terminated, was never served on the petitioner as the pin code of his address mentioned on the said order was incorrect. He, therefore, contends that the petitioner having never been made aware that he had been dismissed from service, his original application could not be held to be barred by limitation as the petitioner approached the learned Tribunal soon after receipt of a letter dated 27.06.2022, vide which he was informed that his appeal could not be decided at this stage. He, therefore, prays that the impugned order be set aside.

5. Having perused the record, we are not impressed with this plea of the petitioner as we find that it is the petitioner's own case that being aggrieved by the dismissal order, he had preferred an appeal on 23.06.2015, which he claims was not decided. In this factual matrix, we are of the considered view that despite being aware that he had been terminated from service, the petitioner did not choose to avail of any remedy for more than eight years. The petitioner has neither given any justification for this gross delay in approaching the learned Tribunal nor did he file any application seeking condonation of delay before the learned Tribunal. In these circumstances, we find no infirmity in the impugned order passed by the learned Tribunal.
6. The petition being meritless is, accordingly, dismissed.

REKHA PALLI, J

RAJNISH BHATNAGAR, J

MARCH 18, 2024/kk