



2024:DHC:9261-DB



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

Date of decision: 28.11.2024

+ W.P.(C) 15268/2024 & CM APPL. 64201/2024
KAMLA DEVI

.....Petitioner

Through: Mr.Ravi Rai, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr.Udit Dhediya, SPC with
Major Anish Muralidhar, Army
& Ms.Shivangi Kumar, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner praying for grant of regular employment to the petitioner by claiming parity with the other candidates, including Ms.Urmila Devi.

2. It is the case of the petitioner that the petitioner applied for the post of Safai Wala pursuant to 91 vacancies advertised by the respondents in the year 1995. The petitioner claims that she was duly selected for the said post, however, was not granted employment. In the meantime, a few of the other similarly placed candidates who were not granted employment approached the Civil Court by way of Suit



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No. 967/06/1999 titled ***Urmila Devi & Ors. v. Union of India & Ors.***, praying for a direction to the respondents to appoint them to the post of Safai Wala. The suit was decreed by the learned Senior Civil Judge-Cum-Rent Controller (Central), Tis Hazari Courts, Delhi *vide* a Judgment and decree dated 22.12.2012. The respondents challenged the same by way of an appeal, being RCA 8/2015 titled ***Union of India & Ors. v. Urmila Devi & Ors.***, which also stood dismissed by a Judgment dated 20.10.2015 passed by the learned Additional District Judge. The respondents then filed a second appeal to challenge the said Judgment, being RSA No. 117/2016 titled ***Union of India & Anr. v. Urmila Devi & Ors.***, which was also dismissed by this Court *vide* its Judgment dated 23.05.2022. Post the said Judgments, the respondents granted appointment to the plaintiffs of the said Suit. The petitioner asserts that as the plaintiffs in the said Suit were similarly placed as the petitioner, same relief should be granted to the petitioner as well.

3. The learned counsel for the respondents, on the other hand, submits that the present petition is liable to be dismissed on account of delay and laches. He submits that while Ms.Urmila Devi and others availed of their legal remedies by way of filing the aforementioned Suit, the petitioner did not do so. The present petition, being filed more than 27 years after the date of the alleged rejection of the petitioner by the respondents, is liable to be dismissed on this ground only.

4. We have considered the submissions made by the learned counsels for the parties.



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5. Though no period of limitation is prescribed for the filing of a petition filed under Article 226 of the Constitution of India, however, the Court in cases where there is delay and laches attributable to the petitioner, refuses to exercise its jurisdiction in favour of the petitioner, who has slept over his/her rights (Reliance is placed on *Scooters India v. Vijai E.V. Eldred*, (1998) 6 SCC 549). Present is one such case. There is absolutely no explanation given by the petitioner for the delay of 27 years in approaching this Court by way of the present petition. Merely because some other similarly placed persons were pursuing their legal remedies, in which they finally succeeded, will not give a fresh cause of action to the petitioner to file the present petition after such a huge delay.

6. We, therefore, refuse to exercise our jurisdiction under Article 226 of the Constitution of India in favour of the petitioner.

7. The petition along with the pending application is accordingly dismissed.

NAVIN CHAWLA, J

SHALINDER KAUR, J

NOVEMBER 28, 2024/rv/VS

Click here to check corrigendum, if any