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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 2913/2026 CM APPL. 14089/2026**

EX RFN (ORL) SHABUDDIN KHANPetitioner
Through: **Mr Durgesh Kumar Sharma and Mr
Harish Kumar, Advocates**

versus
UNION OF INDIA THROUGH SECRETARY & ORS.Respondents
Through: **Mr. Balendu Shekhar, CGSC with
Mr. Rajkumar Maurya, Mr. Krishna
Chaitanya and Mr. Divyansh Singh
Dev, Advocates**

CORAM:
HON'BLE MR. JUSTICE V. KAMESWAR RAO
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER
% **24.03.2026**

CM APPL. 14089/2026 (for exemption)

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

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3. This petition has been filed with the following prayers: -
“a) Issue an appropriate writ, order or direction, including a writ of Certiorari, quashing and setting aside the impugned order of dismissal dated 13 July 2000, 15 July 2000, rejection of appeal dated 20 Dec 2000, mercy petition dated 08 May 2001 and Rejection for pensionary benefits dated 20 Jan 2026 (Annexure P-1 Colly) passed by the Respondents· dismissing the Petitioner from service of the Assam Rifles, being illegal, arbitrary, disproportionate and unconstitutional in the interest of justice,
b) Issue a writ of Mandamus directing the Respondents to reinstate the Petitioner in service with all consequential benefits, including



continuity of service; seniority, pay fixation and arrears of pay in the interest of justice, OR IN THE ALTERNATIVE, and without prejudice to Prayer (b),

Issue a writ, order or direction directing the Respondents to treat the Petitioner's service from 30 December 1992 till completion of qualifying service for grant of service pension and grant all pensionary and retiral benefits, including service pension, gratuity, provident funds, leave encashment and other admissible dues, with all consequential benefits along with the interest @ 8% per annum in the interest of justice,

c) Award costs of the present writ petition in favour of the Petitioner and against the Respondents; and]

d) Pass such other and further order(s) as this Hon 'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice.”

4. Concedingly, the petition challenges the orders of dismissal dated 13.07.2000, 15.07.2000, and the rejection of the appeal dated 20.12.2000.

5. The only submission of the learned counsel for the petitioner is that the petitioner is seeking pensionary benefits, which is a recurring cause of action. We are unable to accept such a plea.

6. It is settled position of law that if an employee has been dismissed, he forfeits the past service and shall not be entitled to pension.

7. In the absence of explanation for the delay and latches, the petition challenging the above orders is liable to be dismissed. We order so.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MARCH 24, 2026/rhc