

(2003) 09 DEL CK 0120
In the Delhi High Court
Case No : CW 1233 of 2002

MCD

APPELLANT

Vs

Rajkumar and Others

RESPONDENT

Date of Decision : 29-09-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 8 AD 324 : (2003) 108 DLT 195

Hon'ble Judges : Mukul Mudgal, J

Bench : Single Bench

Advocate : P.R. Monga, for the Appellant; Sanjoy Ghose and Pragnya, for the Respondent

Final Decision : Dismissed

Judgement

Mukul Mudgal, J.—Rule.

2. With the consent of the counsel for the parties, the matter is taken up today for final hearing.

3. This writ petition challenges the Award dated 10th July, 2000. Learned counsel for the petitioner submits that the award was published on 4th January, 2001 and the information relating thereto was received in the Office of the petitioner Corporation on 14th February, 2001. However, the writ petition was filed in this Court only on 18th February, 2002. There is no other Explanation for the delay and laches in filing the writ petition. Mr. Monga has submitted that in matters relating to the movement of files in Government Department, files move at their own pace and such delay in the movement of the official files occur because they are required to go through several channels. Consequently the delay in filing the writ petition is not such which should disentitle the petitioner to approach this Court under Article 226 of the Constitution.

4. In my view, institutionalized lethargy cannot be any ground to explain the laches of more than one year. Merely because the bureaucratic machinery in MCD

moves slowly cannot be a ground for condoning laches.

5. Consequently, there is no merit in this petition which is accordingly dismissed for laches. I, however, express no opinion on merits in respect of the impugned Award dated 10th July, 2000.