

(2014) 12 DEL CK 0266
In the Delhi High Court
Case No : Writ Petition (Civil) 8067/2012

Ravinder Kumar Goel

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 10-12-2014

Acts Referred:

Citation : (2014) 12 DEL CK 0266

Hon'ble Judges : Hima Kohli, J

Bench : Single Bench

Advocate : Rajeev Sharma, Advocate for the Appellant; Saurabh Kirpal and Vartika Sahay, Advocate for the Respondent

Judgement

Hima Kohli, J.—The present petition has been filed by the petitioner praying inter alia for quashing the order dated 2.3.2012, passed by the respondents No. 2 to 4/Oil India Limited, whereunder his request for promotion as a Grade-D Officer w.e.f. 1.1.1996, was turned down. Further, the petitioner seeks directions to the respondents 2 to 4/Oil India Limited to consider him for promotion as a Grade-D Officer w.e.f. 1.1.1996, along with all consequential benefits.

2. Mr. Saurabh Kirpal, learned counsel for the respondents No. 2 to 4/Oil India Limited opposes the present petition on the ground of gross delay and laches and submits that the same is hopelessly barred by time. He states that the petitioner has also concealed from the Court that on 25.8.2014, the date on which he had filed the present petition, he was on the verge of superannuating and by the time, the petition was listed for admission on 21.12.2012, the petitioner had already superannuated on 30.8.2012. He further states that there is no satisfactory explanation for the delay offered by the petitioner for approaching the Court after 15 years, when the respondents No. 2 to 4/Oil India Limited had noted as long back as on 22.12.1999 that he was due for promotion to Grade-D Officer, w.e.f. 1.1.1996.

3. Learned counsel for the respondents No. 2 to 4/Oil India Limited further

submits that the petitioner has withheld material information from the Court by failing to disclose in the petition the fact that he had been promoted as a Grade-D Officer w.e.f. 7.2.2001.

4. The aforesaid factual position is not denied by the counsel for the petitioner. He, however, seeks to explain the delay in filing the present petition by stating that during all these years, the petitioner had been regularly submitting representations to the respondents No. 2 to 4/Oil India Limited, which were not considered. In support of the said submission, he refers to the letter dated 2.3.2012 issued by the respondents No. 2 to 4/Oil India Limited, wherein the petitioner's request dated 11.01.2012, for promotion to Grade-D Officer was turned down.

5. There is no other document placed on record by the petitioner to establish that he had regularly been corresponding with the respondents No. 2 to 4/Oil India Limited in respect of his grievance regarding his promotion to Grade-D Officer w.e.f. 1.1.1996 or 22.12.1999 as alleged. Further, mere exchange of correspondence between an employee and the employer over a prolonged period, for redressal of his grievance, would not be a ground to condone such an inordinate delay in approaching the Court for relief. [Ref: Gian Singh Mann Vs. High Court of Punjab and Haryana and Another,

6. It is also no longer *res integra* that when it comes to reliefs like promotion, etc., where other employees are also likely to be adversely affected, then the aggrieved employee is expected to approach the Court for ventilating his grievance within a reasonable period and certainly not after the passage of fifteen years from the date when the cause of action would have arisen. [Ref. Union of India (UOI) and Others Vs. Tarsem Singh, and State of Tamil Nadu Vs. Seshachalam, .

7. It has been enquired from the counsel for the petitioner if his client would be willing to confine the relief in the present petition to a period of three years prior to 25th August, 2012, the date when he had filed the present petition. He however states that he is not in a position to give his consent to the aforesaid suggestion.

8. In view of the aforesaid position, the Court has no option but to dismiss the writ petition as being highly belated and barred by delay and laches.