

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.12215/2002

(From the judgement and order dated 21/09/2001 in LPA 154/01
of The HIGH COURT OF DELHI AT N. DELHI)

J.K. PALI

Petitioner (s)

VERSUS

STATE OF N.C.T. OF DELHI & ANR.

Respondent (s)

With

I.A.No.2 In W.P(C)No.285/1999

(for amendment of order dated 15.11.1999 and office report)

Date : 20/01/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s)Mr. Sanjay Pal, Adv.

For Mr. M.P. Shorawala,Adv.

For Respondent (s)

for Resp.no.2Mr. Naveen R. Nath, Adv.

Mrs. Lalit Mohini Bhat, Adv.

Ms. Hetu Arora, Adv.

Mr. S. Ravindra Bhat.,Adv.

For Resp. no.1Mr. N.N. Goswami, Sr. Adv.

Mr. Aeltemesh Rein, Adv.

Mr. D.S. Mahra, Adv.

UPON hearing counsel the Court made the following

O R D E R

The short question arising for decision in this petition is whether the dismissal as withdrawn of a petition under Article 32 of the Constitution, filed in this Court, would exclude the hearing by the High Court of a petition under Article 226 of the Constitution when the grievance raised relates to a service dispute. There may be some divergence of opinion on this issue, still we do not think that the petitioner is entitled to an indulgence on account of delay and laches on his part. The impugned order of retirement from service in public interest was passed in February, 1996 and the petitioner approached this Court by filing the petition under Article 32 of the Constitution in November, 1999, which, by order dated 15.11.1999, was directed to be dismissed as withdrawn. Thereafter again the petitioner set over the matter and approach the High Court by filing the petition under Article 226 of the Constitution in January, 2001. The petitioner has lost his remedy by delay and laches and no indulgence can now be shown to him. The petition is, therefore, dismissed.

No orders on I.A. No.2 in W.P.(C) No.285/1999.

(P.D. Balodi)(Radha R. Bhatia)

Court Master Court Master