

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

Civil Writ Petition No.8840 of 2015

Date of Decision: May 11, 2015

Gurjant Singh

.....Petitioner

versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE P.B.BAJANTHRI.

Present: Mr.Jashandeep Singh Sandhu, Advocate
for the petitioner

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1. Whether Reporters of Local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Surya Kant, J. (Oral)

The petitioner challenges the order dated 19.01.2011 (Annexure P-3) whereby the Central Administrative Tribunal, Chandigarh Bench has dismissed his Original Application in which direction for compassionate appointment of his son under the Scheme dated 02.09.2005 formulated by the Railways, was sought.

The petitioner admittedly sought voluntary retirement and his request was accepted on 01.02.2005. Before that he had rendered 32 years of service. Subsequently, the Railways vide their letter dated 02.09.2005, issued Safety Related Voluntary Retirement Scheme which enabled the Drivers and Gangmen between the age group of 52-57 years to seek retirement on the ground of health and physical conditions and seek employment of one of their dependent.

The last date for submission of applications under that Scheme was 30.09.2005.

The petitioner represented several times to extend the benefit of above-stated Scheme to him but his request was not acceded to. He then decided to approach the Central Administrative Tribunal in the year 2009 and his Original Application has been turned down by the Tribunal primarily on the ground of limitation.

The instant writ petition has also been filed after more than four years. It can thus be dismissed on the solitary ground of delay and laches. However, we have heard Mr.Jashandeep Singh Sandhu, learned counsel for the petitioner on merits as well.

As the facts would speak for themselves, the petitioner sought voluntary retirement much before the Scheme came to be circulated on 02.09.2005. It had no retrospective effect. Further, the petitioner could at the best wait for one year after submission of representation but inspite of cause of action having arising in the year 2005, he chose to approach the Tribunal in the year 2009 only. His Original Application was undoubtedly time-barred.

For the reasons afore-stated, no interference with the order passed by the Tribunal is called for.

Dismissed.

[SURYA KANT]
JUDGE

May 11, 2015
mohinder

[P.B.BAJANTHRI]
JUDGE