

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 18057 of 2014

DATE OF DECISION :- January 18, 2016

Sughar Singh and others

...Petitioners

Versus

**The Central Administrative Tribunal, Chandigarh Bench,
Chandigarh and others.**

...Respondents

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:- Mr. D.R. Prajapati, Advocate for the petitioners.

Mr. Rohit Suri, Advocate for respondents no. 2 to 4.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? **Yes**

M.JEYAPPAUL, J.

1. The Writ Petitioners, who figured as applicants no. 1, 5 and 6 in the Original Application filed before the learned Central Administrative Tribunal, Chandigarh Bench, have preferred the present Writ Petition aggrieved by the rejection of their plea for regularization and consequential service benefits from the date of 1st screening test that took place in 1980.

2. Heard the submissions made on either side.

3. It is found that the Writ Petitioners joined service as Class IV casual labourers during the period from 1972 to 1978. There was a screening of the casual workers in 1980. Though the petitioners participated in the said process of screening, they were not regularized but in the screening that took place in 1990, their services were regularized.

4. Learned counsel appearing for the Writ Petitioners submitted that the Writ Petitioners being uneducated were not aware of their legal right to challenge the inaction of the department which failed to regularize their services following the screening that took place in 1980.

5. Per contra, learned counsel appearing for the respondents vehemently submitted that the provisions of limitation as provided under Section 21 of the Administrative Tribunal's Act, 1985 would apply uniformly to all the citizens of the country.

6. The Writ Petitioners have challenged the screening process which took place in 1980 only in the year 2012 before the learned Central Administrative Tribunal. The Writ Petitioners cannot get away from the rigours of limitation prescribed under Section 21 of the above Act on the flimsy ground that they were not aware of their right till they invoked the same in the year 2012 before the learned Central Administrative Tribunal. The Writ Petitioners had not even made any representation before the official respondents to ventilate their grievance for more than twenty years. Therefore, without any hesitation, we come to a conclusion that the Original Application filed by

the Writ Petitioners is hopelessly barred by limitation.

7. There is no dispute to the fact that the 1st Writ Petitioner Sughar Singh along with others had approached the Industrial Tribunal Cum Labour Court (Central), Haryana/Chandigarh claiming the very same relief but their claim was rejected by the order passed by the Industrial Tribunal Cum Labour Court on 12.10.2010. Having exhausted the remedy before the Industrial Tribunal-cum-Labour Court, he cannot approach the Central Administrative Tribunal on the very same cause of action seeking the very same relief ignoring the principle of res-judicata.

8. The Writ Petitioners, who participated in the screening that took place in 1980, were not regularized as the requirement of the department was already fulfilled by regularizing the required number of other qualified employees. In 1990, there was a screening test and the Writ Petitioners were considered for regularization and were in fact regularized. Therefore, the challenge made by the Writ Petitioners against the screening that took place in 1980 to regularize the services of some of the casual labourers does not merit consideration. Resultantly, the Writ Petition stands dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(RAJ MOHAN SINGH)
JUDGE**

January 18, 2016

p.singh