

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5294 OF 2017

[Pandhari Sakham Dahule .vs. Union of India and one]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.B. Bambal, counsel for the petitioner.

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CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 05, 2018.

By this writ petition, the petitioner challenges the order of the Central Administrative Tribunal, Nagpur dated 15.10.2015 dismissing the original application filed by the petitioner.

On hearing the learned counsel for the petitioner and on a perusal of the impugned order, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. The petitioner had filed the original application before the tribunal seeking a direction against the respondents for the regularization of his services. The petitioner had worked as a casual labourer from the year 1984 to 1988 with the railways. The petitioner had for the first time sought the inclusion of his name in the live register for regularization of his services in the year 2002. The petitioner did not pursue the representation made by him in the year 2002 till the year 2008 when he served a legal notice on the respondents. The respondents did not respond to the legal notice. The petitioner filed the original application in the year 2012 seeking a direction against the respondents to regularize his services. The tribunal rightly held that the petitioner was extremely negligent in prosecuting the matter, inasmuch as he had applied for the inclusion of his name in the live register in 2002 on the basis of his services as a labourer in the year 1988. The tribunal observed

that the service records pertaining to the years 1984 to 1988 were not available with the railways. The tribunal rightly held that the petitioner had slept over the matter for six long years even after he made the representation in 2002. The tribunal held on the basis of the instructions of the Railway Board that the regularization of the employees whose names were included in the live register was permissible and the name of the petitioner was never included in the live register. While dismissing the claim of the petitioner, the tribunal held that there could be no parity between the vigilant and non-vigilant litigants. Hence, though the relief was granted to the vigilant litigants that had approached before the tribunal within a reasonable time, the petitioner could not have claimed a similar relief as he had slept over his rights and had filed the original application in the year 2012 though his services were lastly terminated in the year 1988.

Since the order of the tribunal is just and proper, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

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