

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

CWP No. 2076 of 2018

Date of Decision : 20.03.2018

Rajinder Kumar

....Petitioner

Versus

Union of India and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJBIR SEHRAWAT

....

Present: Mr. Nakul Sharma, Advocate
for the petitioner.

.....

MAHESH GROVER, J.

The petitioner impugns the order dated 25.11.2016 and 24.11.2017 passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh negating his claim for re-employment. His case was rejected way back in 2001 but due to his persistence and approaching the authorities he some how gained orders that suggested sympathetic consideration despite his being a dismissed employee. Finally, his plea was rejected leading to the filing of an application before the CAT who rejected the claim.

The present petition has been filed impugning the said orders.

Learned counsel for the petitioner places reliance on Rule 402 of Railway Establishment Code Vol.I which is extracted here-
below :-

“402. No person who has been dismissed from

Government service or convicted for a criminal offence shall be re-employed, without the sanction of the President, or if the employment or re-employment is to a Group C or Group D post, without the sanction of the General Manager.”

After hearing the learned counsel for the petitioner, we are of the opinion that the petitioner is a dismissed employee and therefore, cannot press his claim for re-employment as a matter of right. If the competent authority has done so and that too in the year 2001, nothing much would survive considering the two facts that he has no inherent right to claim re-employment and secondly with the efflux of time of atleast 17 years the claim for re-employment would be rendered illusory.

No ground to interfere.

Dismissed.

(MAHESH GROVER)
JUDGE

20.03.2018
dss

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No