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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 4134/2018 & CM No.16261/2018

RAJ PAL SINGH

..... Petitioner

Through: Mr.Mahavir Singh, Advocate

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Ms.Barkha Babbar, Advocate for UOI
with Ms.Dipanjali Tyagi, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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25.04.2018

1. The petitioner is aggrieved by the order dated 09.08.2017, passed by the Central Administrative Tribunal, whereby his Original Application No.4009/2013 has been dismissed. The prayers made in this writ petition are to set aside the order dated 09.08.2017, passed by the Tribunal as well the order dated 25.10.2013, passed by the respondents rejecting his representations dated 12.02.2013 and 15.07.2013 for grant of notional pay fixation with effect from 15.05.1985.
2. The learned Tribunal has dismissed OA No.4009/2013 with the following reasoning:-

“3. The learned counsel appearing for the applicant submits that though the applicant along with others filed OA No.2170/1989 and this Tribunal allowed the OA by its order dated 25.10.1991, the respondents have not complied with the said order despite the fact that the applicant has been continuously made representations to comply the said order, however, finally resulted in rejection of his claim vide impugned Annexure A-1 dated 25.10.2013. The applicant was retired on 30.06.2006.

4. The said OA No.2170/1989 was disposed of by order dated 25.10.1991 and the relevant part of which reads as under:-

“This OA has been filed by S/Shri Balbir Singh Chauhan and Raj Pal Singh under Section 19 of the Administrative Tribunals Act, 1985, challenging the action of the respondents of deleting their names from the select list for appointment to the post of Supervisor (Tech.) in Inspectorate of Armaments, Ministry of Defence and praying for directing the respondents to absorb them as Chargeman II with all consequential benefits

6. We, therefore, hold that denial of appointment of the applicants is not legally sustainable as it amounts to violating of Article 14 and 16 of the Constitution. They should be treated at par with their colleagues who had been appointed by the other units as Supervisors (Tech.). We, therefore, allow the application and dispose it of which the direction that the applicants shall be given appointment as Supervisor (Tech.) against the vacancies existing at the time of their selection and shall be adjusted against the redesignated post of Chargeman Grade-II like those who were appointed in the other units. Orders in this regard shall be issued within three months from the date of communication of this order.

7. In the facts and circumstances of the case, we do not direct payment of back wages to the applicants.

8. There will be no order as to costs.”

5. Admittedly, the respondents in compliance of the aforesaid order, appointed the applicant vide their order No.G/419/AD-I/ dated 23.01.1992 as Chargeman Grade-II w.e.f. the date of said order and kept the applicant on probation for a period of two years.

6. Though the applicant submits that the respondents have not complied with the order passed in OA No.2170/1989 but he neither questioned the order dated 23.01.1992, nor taken any steps for more than twenty five years.

7. In the circumstances, we do not find any merit in the instant OA and accordingly the same is dismissed.”

3. The plea of the petitioner is that in compliance of the order dated 25.10.1991, passed by the Tribunal in an earlier original application filed by him [OA No.2170/1989] he was appointed by the respondents on

23.01.1992, within the stipulated time of three months. After his appointment in the year 1992, the petitioner did not raise a grievance before the Tribunal about the alleged non-compliance of the order dated 25.10.1991. Instead he let things drift and at the fag end of his career, approached the Tribunal to stake a claim which he had not agitated after his appointment in the year 1992.

4. The petitioner attributes the delay in seeking legal recourse to the respondents and states that it was their failure to decide the various representations submitted by him that has resulted in the delay.

5. If the petitioner was of the opinion that he was entitled to relief under the order of the Tribunal dated 25.10.1991, which was not granted by the respondents, then he should have approached the Tribunal with reasonable despatch. He cannot be permitted to agitate a stale claim, after about 25 years, by filing another OA. Section 21 of the Administrative Tribunals Act, 1985 clearly prescribes the period of limitation available to a party to file an application, which is one year reckoned on the expiry of six months from the date of making a representation. It is a settled legal position that filing of several representations one after the other, over the years cannot be a ground to condone the delay.

6. For the foregoing reasons, we do not find any error in the impugned order that warrants interference. The present petition is accordingly dismissed *in limine*, along with the pending application.

HIMA KOHLI, J.

PRATIBHA RANI, J.

APRIL 25, 2018/ 'pg'