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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3797/2017**

R.S. RATHEE

..... Petitioner

Through: Dr. P.S. Nerwal, Advocate with
Mr. Bhagwan Singh, Advocate.
versus

GENERAL MANAGER, NORTHERN RAILWAY & ORS

..... Respondents

Through: Ms. Shipra Shukla, Advocate.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

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27.08.2018

1. The petitioner is aggrieved by an order dated 09.12.2016, passed by the Central Administrative Tribunal dismissing O.A. No. 3321/2012 filed by him, praying *inter alia* that he may be granted the pay scale of Rs.6,500 - Rs.10,500/-, w.e.f. 01.12.2003 at par with his counterparts, who were working on the post of Yard Master in the Northern Railways.

2. In a brief order impugned before us, the Tribunal has held that once the petitioner was medically de-categorized on 09.12.2002, and was given an alternate employment by the respondents as an Inquiry and Reservation Supervisor on 28.09.2005 and all of this took place much before the cadre restructuring was undertaken by the respondents, the petitioner cannot claim any relief for grant of appropriate pay scale.

3. At the outset, we have requested learned counsel for the petitioner to explain the inordinate delay on the part of the petitioner in approaching the

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Tribunal for relief. Quite apparently, the cause of action, if any, had accrued for the first time in the year 2005 for the petitioner to have sought legal recourse whereas, the O.A. came to be filed by him sometime in the year 2012. The Tribunal appears to have overlooked the preliminary objections taken by the respondents in para 1 of their counter affidavit with regard to the maintainability of the O.A. due to delay and laches. Nor has the said aspect been gone into by the Tribunal. On a perusal of the averments made by the petitioner in the O.A., we find that he has skimmed over the aspect of delay, which itself is considered sufficient to non-suit him before the Tribunal.

4. We are of the opinion that the Tribunal ought to have dismissed the O.A. filed by the petitioner on the ground of delay and *laches* alone, without requiring to examine the merits of the case particularly when no just or sufficient cause has been stated by the petitioner to explain the inordinate delay of seven years in seeking legal recourse.

5. We therefore decline to entertain the present petition, which is dismissed.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 27, 2018

ap/rkb