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

+ W.P.(C) 1074/2018 and CM APPL. 19335/2018

KM. SUSHMA RANI RAI Petitioner

Through: Mr.Yogesh Kumar, Advocate

versus

UNION OF INDIA AND ORS. Respondents

Through: Mr. Rakesh Kumar, CGSC with
Mr. Piyush Gaur, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **17.08.2018**

1. The present petition has been filed by the petitioner being aggrieved by an order dated 07.04.2016, passed by the Central Administrative Tribunal dismissing her O.A. No.1258/2016. The Tribunal has observed in the impugned order that this was a third round of litigation that the petitioner has initiated on the same cause of action. Reference has been made in the impugned order to a writ petition filed by the petitioner in the year 1997 [W.P.(C) No.5196/1997], praying therein that the respondents be directed to consider engaging her as a Casual Labour, which was dismissed as not pressed by her counsel. The said petition was disposed of vide order dated 08.04.2003 as not pressed, with an observation that as and when the petitioner would apply to the respondents for being engaged as a Casual Labour, her case would be considered sympathetically, subject to the availability of suitable work.

2. Not satisfied with the aforesaid order, after a period of six years reckoned from 08.04.2003, the petitioner filed O.A. No.1078/2009 before the Tribunal, which was disposed of vide order dated 23.04.2009, with a direction to the respondents to consider the averments made in the said O.A. as a representation of the petitioner and pass a speaking order within two months therefrom.

3. The respondents passed a speaking order dated 22.06.2009 in terms of the aforesaid order, copy whereof has not been placed on record. However, a reference of the said order finds mention in the order dated 11.11.2014, issued by the respondents and placed at page No.35 of the paper book. The said order states that the petitioner had applied on 13.01.1993, for being kept as a Casual Labour and the office had engaged her as a Casual Labour (for water) on 22.01.1993 for 89 days and not from 1992, as claimed by her. Thereafter, the petitioner was disengaged on 07.07.1994, due to non-availability of suitable work.

4. Making the said letter dated 11.11.2014 the base for filing O.A. No.1258/2016, the petitioner yet again approached the Tribunal. Holding that her claim for appointment as a full time Casual Labour had been declined and her services were dispensed with on 07.07.1994, which was over 21 years ago, the Tribunal declared that the petitioner had no right to claim engagement on a regular basis. As a result, the O.A. was dismissed.

5. We may note here that in the year 2017, the petitioner has also filed a review application before the Tribunal seeking review of the order dated 07.04.2016, which was dismissed on 17.07.2017.

6. In the first instance, we have called upon learned counsel for the petitioner to explain the inordinate delay of over 21 years on the part of the petitioner to seek relief, when she was admittedly disengaged by the respondents on 07.07.1994. Except for stating that it is a running cause of action and the petitioner can approach the court for relief at any point in time, no plausible explanation is sought to be offered by learned counsel for the petitioner for explaining the delay.

7. In view of the aforesaid facts and circumstances, we are not inclined to entertain the present petition. The O.A. filed by the petitioner was undoubtedly hopelessly barred by delay and *laches*, as has been noted in the impugned order. The present petition is dismissed in *limine* alongwith the pending application.

HIMA KOHLI, J

REKHA PALLI, J

AUGUST 17, 2018

na/ap