

WPCT 24 of 2020

Surya Narayan Mullick
-versus-
Union of India and others

M/s. L.K. Chatterjee,
Barun Chatterjee, Advocates
... for the petitioner.

Mr. Anuran Samanta, Advocate
... for the respondent Nos.
1 to 4.

Challenge in the present petition is to the order dated November 30, 2017 passed by the Central Administrative Tribunal, in OA No.350/1201/2017 vide which the present application filed by the petitioner was dismissed.

The facts as has been noticed by the Tribunal in the impugned order are that the petitioner was recruited as khalasi on temporary basis on 21/27.11.1986. Subsequently he was recruited against Sports Quota on a Group-D post on 10.06.1991. Considering that the petitioner is a graduate, he made representation on 20.06.1996 for appointment on Class-III post. It was followed by another representation dated 14.02.2001. As no action was taken by the authorities, Original Application was filed and the same was dismissed by the Tribunal.

Learned counsel for the petitioner submitted that the petitioner had a cause of

action to raise issue regarding his appointment on a Class-III post against Sports Quota. He further submitted that he did not have any knowledge about Sports Quota being available in the Railways and hence could not raise issue regarding his appointment on Class-III post, when he was appointed. He further submitted that he has two daughters of marriageable age and is facing difficulty in finding match for them, as he is working on a Group-D post. In support of the plea that there was no delay in filing the original application, the submission is that it is a recurring cause of action.

On the other hand, learned counsel for the respondents submitted that the impugned order passed by the Tribunal does not call for any interference by this court. Original Application filed before the Tribunal was highly delayed. Even if it is presumed that in 1991 the petitioner did not have knowledge about Sports Quota being available, he cannot deny that he was in knowledge of this in June, 1996 when he represented first. Original Application was filed after more than a decade, hence, the same was barred by limitation under Section 21 of the Administrative Tribunals Act, 1985.

After hearing learned counsels for the parties we do not find any case is made out in the present petition. Admittedly, the petitioner was appointed as a khalasi on temporary basis on 21/27.11.1986. There is nothing on record to suggest that any claim was made by the petitioner at that time seeking appointment to a

higher post against Sports Quota. Subsequently he was appointed against Sports Quota on a Group-D post on 10.06.1991. He joined on the post and continued working for a period of 5 years. He made a representation on June 20, 1996 seeking appointment to Group-C post, to which the petitioner claimed that he was entitled to in terms of the Railway Rules (RBE 89/90 dated 25.05.1990). Thereafter again he kept silent. Subsequent representation was made 5 years thereafter on February 14, 2001. Still he kept silent and thereafter he filed Original Application after 21 years i.e. in the year 2017.

The impugned order was passed by the Tribunal on November 30, 2017. The petitioner slept over the matter for a period of 3 years before he filed writ petition in this court in February, 2020. Even on that account the present writ petition deserves dismissal on account of delay and laches.

In view of our aforesaid reasons, we do not find any merit in the present petition. The writ petition is dismissed.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)

