

23 22.03.23

Ct. No. 04

Akd

WP.CT. 115 of 2022

**Jawahar Singh
Vs.
Union of India & Ors.**

**Mr. Naba Kumar Das,
Mr. Arindam Banerjee.
... for the petitioner.**

**Mr. D. N. Ray,
Mr. Ashok Prasad.
... for the Union of India.**

A stale claim is sought to be resurrected by approaching the Tribunal repeatedly despite the fact that the earlier applications were dismissed by the Tribunal solely on the ground that a fresh representation was made and the authorities have not either considered the said representation or have decided the same.

Admittedly the petitioner was born on September 15, 1955 and claimed to have been selected as Khalasi in the year 1981. Since he was declared unfit, such employment was not given to the petitioner. However, a representation was made on March 19, 1982 with the physically handicapped certificate so that he may be considered under the above category. Immediately thereafter the Tribunal was approached by filing OA 1423 of 1998, which was eventually dismissed on September, 18, 2000 and the writ petition being WPCT 1430 of 2001 filed before this Court challenging the said order was dismissed on May 10, 2002. However, a liberty was granted to the petitioner to make a representation afresh, which, in fact, was done and a further approach was made to the Tribunal, as despite such representation having made nothing transpired therefrom. The tribunal

application was dismissed as premature for the simple reason that the authority has not taken any decision. The order of the Tribunal was set aside in WPCT 251 of 2012 and after setting aside the order the matter was remitted back to the Tribunal to consider on merit.

The learned Advocate for the petitioner has tried to impress this Court with certain observations made in the said order to contend that the moment serious question as regards authenticity and genuinity of the letter dated 30th December, 2002 is raised, it is not proper to dismiss the application without adjudicating the aforesaid issue.

It appears from the stand of the respondents that they have alleged that the representation claiming employment under the physically handicapped quota had already been disposed of. As the petitioner was found unfit for the job, there is no occasion to issue the letter dated 30th December, 2002 calling upon him to appear before the concerned officer with educational certificates and other related documents.

There is no fetter on the part of the Court to take a subsequent event, which is certain and can be ascertained from the materials on record. Today, when the instant writ petition is filed the petitioner has already attained superannuation. Therefore, on the claim of the petitioner in relation to employment or alleged denial of employment, we feel that the cause of action, which arose at one point of time, accrued in favour of the petitioner, has elapsed by passage of time.

We thus do not find any ground warranting interference with the impugned order.

The writ petition is thus dismissed.

There will be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)