

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO.1276/2002

This the 17<sup>th</sup> day of May, 2002.

HON'BLE SMT. LAKSHMI SWAMINATHAN, VICE-CHAIRMAN (J)

HON'BLE SHRI V.K.MAJOTRA, MEMBER (A)

Arjun Singh Gangore,  
R/O J.B. 1/88, Welcome,  
Seelampur-3, Delhi.

... Applicant

( By Shri M.K.Bhardwaj, Advocate )

-versus-

1. Union of India through  
Secretary, Ministry of Railways,  
Rail Bhawan, New Delhi.
2. General Manager,  
Northern Railway,  
Baroda House, New Delhi.
3. Divisional Railway Manager,  
Northern Railway,  
D.R.M. Office,  
New Delhi.

... Respondents

O R D E R

Hon'ble Shri V.K.Majotra, Member (A) :

Learned counsel of applicant heard.

2. Stated briefly, the facts of the case are that in response to an advertisement to recruit SC/ST candidates for Group 'D' posts for wiping out the backlog in SC/ST quota, applicant appeared in a written test and interview on 2.6.1987. He was found unfit for appointment to the post of Diesel Cleaner for which he had applied. As per instructions, applicant was to be offered a lower post having been declared unfit for a higher post. On behalf of applicant, the learned counsel stated that a number of persons who had also appeared

along with applicant in the said test were appointed on the basis of decision dated November, 1997 in OA No.2613/1991. However, applicant was not offered any appointment despite his representation. Learned counsel stated that applicant's representation was rejected by respondents on 20.12.2001. Learned counsel also stated that respondents did not accept the directions of the National Commission for Scheduled Castes & Scheduled Tribes (NCSCST) and passed illegal orders of not offering any appointment to applicant.

3. First of all, we find that whereas the matter relates to June, 1987 when applicant passed the written test regarding selection in Group "D" SC/ST panel of 1987, he did not resort to appropriate legal remedy for his grievance regarding denial of appointment on the basis of his selection within a reasonable period. This OA is certainly hit by the bar of limitation. Parties have to pursue their rights and remedies promptly and not sleep over their rights. If they choose to sleep over their rights and remedies for an inordinately long time, the court may well choose to decline to interfere in its discretionary jurisdiction. In this connection, we rely on Ex. Capt. Harish Uppal v. Union of India, JT 1994 (3) SC 126.

4. From letter dated 20.12.2001 submitted on behalf of applicant which is a letter from NCSCST to applicant, it is established that the NCSCST had asked respondents why the applicant had not been offered appointment. Vidé letter dated 24.5.2001 respondents had

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conveyed to NCSCST that applicant had been found unfit for B-I & II categories and that he was declared suitable for C-I & II categories, but as there was no shortfall relating to SC/ST in those categories, applicant was not offered any appointment. From their letter dated 20.12.2001 of NCSCST addressed to applicant, it appears that NCSCST accepted the reasoning given by respondents for non-appointment of applicant, and conveyed the same to applicant. NCSCST's letter to applicant and respondents' letter to NCSCST would not, however, enlarge the period of limitation.

5. Furthermore, the facts of OA-2613/1991 are different than those of the present case, as applicants in that case had been given offers of appointment and it was found that some of the selected candidates were junior to applicants in the merit list and had been appointed. In the present case, details of any junior persons than applicant in the merit list have not been provided nor has it been established that shortfall relating to SC/ST in categories C-I & II was available in Delhi Division at the relevant time. Learned counsel of applicant also relied on order dated 9.8.1990 in OA-708/1989 (CAT, New Bombay Bench, Circuit at Nagpur) in which it was held that applicant therein had been wrongly denied appointment. In the present case, when there was no shortfall in categories C-I & II, it cannot be stated that appointment was denied wrongly. Thus, applicant cannot derive any benefit from this judgment as well.

6. Having regard to the reasons recorded and discussion made above, we do not find any merit in this OA which is dismissed at the admission stage itself.

*V. K. Majotra*

( V. K. Majotra )  
Member (A)

*Smt. Lakshmi Swaminathan*

( Smt. Lakshmi Swaminathan )  
Vice-Chairman (J)

/as/