



**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.63/363/2018

Date of decision: 23.01.2020

...

CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

...

Navneet aged 22 years, son of Late Sh. Tilak Raj, R/o Village Baruila, P/O Mashobra, Tehsil & Distt. Shimla-171007. (Group C Post)

...APPLICANT

VERSUS

1. Union of India, through its Comptroller & Auditor General of India, Pocket-9, Deen Dayal Upadhyaya Marg, New Delhi.
2. Government of India, Indian Audit and Accounts Department, Principal Accountant General (Audit) Himachal Pradesh, Shimla-171003 through its Auditor General.

...RESPONDENTS

PRESENT: None for the applicant.
Sh. Barjesh Mittal, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. By means of present O.A., the applicant assails order dated 12.4.2017 vide which his case was considered for appointment on compassionate grounds on 4.9.2013 but was



not found suitable and it was accordingly rejected. He has also sought quashing of the order dated 11.9.2013 (Annexure A-8), whereby his claim had been rejected.

2. The arguments raised by learned counsel for the applicant in the O.A. are being recapitulated in brief.
3. Father of the applicant, who was working with respondent department, expired on 13.9.2012, after rendering 28 years of service. Immediately thereafter, the applicant applied for appointment on compassionate grounds. His case was considered by competent Committee constituted for this purpose in its meeting held on 4.9.2013 (Annexure A-6) and had rejected it as he had secured less marks than the candidate who had been offered appointment and this had also been communicated to him vide order 11.9.2013. Hence this O.A.
4. Respondents have filed written statement wherein they have taken preliminary objection with regard to delay in approaching the Court and prayed that the O.A. be dismissed on the ground of delay and laches only as the applicant has impugned order passed in the year 2013 by filing present O.A. in the year 2018. It has also been submitted therein that applicant has not moved even any application seeking condonation of delay, therefore, in terms of Section 21 of



Administrative Tribunals Act, 1985, this petition deserves to be dismissed on account of limitation.

5. This matter came up for hearing on 21.1.2020 but nobody put in appearance on behalf of the applicant so the matter was posted for hearing today. However, today also, nobody is present on behalf of the applicant so Court proceeded under Rule 15 of C.A.T. (Procedure) Rules, 1987 and heard learned counsel for the respondents and perused the pleadings available on record.
6. It is not in dispute that the case of the applicant was considered in the meeting held on 4.9.2013 and it was not found deserving as he secured less marks than the candidate to whom appointment was offered and decision was duly conveyed to him vide order dated 11.9.2013. The applicant did not challenge that decision and filed a belated representation which has been rejected vide order dated 12.4.2017. Perusal of the pleadings makes it clear that applicant has not given any reasons as to why after rejection order dated 11.9.2013, he had not approached Court of law. It cannot be believed that he was not aware of this fact because once he had moved an application for appointment on compassionate grounds, then he cannot be expected to remain mum and will not approach respondents to know about status of his application, and in any case ignorance of



law is no excuse. This has so been held by the Hon'ble Apex Court recently in the case of **Prahalad Pant Vs. AIIMS** 2020 (1) SL 43 (para 43) where the Lordships have held that "Law of limitation is founded on public policy. The object of Limitation is to put a quietus on state and dead disputes. A person ought not to be allowed to agitate his claim after long delay".

7. Accordingly, while accepting the contention raised by the respondents with regard to delay, this O.A. is dismissed on ground of delay and laches. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 23.01.2020.
Place: Chandigarh.

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