

**Central Administrative Tribunal  
Principal Bench**

**OA No.2688/2018**

MA No. 3003/2018

MA No.3004/2018

New Delhi, this the 6<sup>th</sup> day of January, 2020

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**  
**Hon'ble Mr. A. K. Bishnoi, Member (A)**

1. Sh. Mukesh Kumar Sharma,  
Aged about 47 years, Group-B,  
S/o Shri Dori Lal Sharma,  
R/o C-110, Suraj Mal Vihar,  
New Delhi-110092

Presently appointed as:  
Electrical Inspector,  
Labour Department,  
Government of NCT of Delhi

2. Sh. Jodgender Singh Lather,  
Aged about 36 years, Group-B,  
S/o Late Shri Kartar Singh,  
R/o Flat No.54, Mausam Appts.,  
West Enclave, Pritam Pura, Delhi

Presently appointed as:  
Electrical Inspector,  
Labour Department,  
Government of NCT of Delhi - Respondents

(By Advocate: Shri DS Chaudhary)

VERSUS

1. The Govt. of NCT of Delhi,  
Through the Secretary (Labour)-cum-Commissioner  
Govt. of NCT of Delhi,  
5, Shamnath Marg, Delhi-110054
2. Sh. Yogesh Kumar Verma,  
S/o Sh. RD Verma,  
R/o A-27, 2<sup>nd</sup> Floor,  
East Baldev Park, Delhi-110051

Presently working as:  
Assistant Electrical Inspector,  
Department of Labour,  
Govt. of NCT of Delhi - Respondents

(By Advocates: Sh. Atul Kumar for respondent No.1 &  
Shri MK Bhardwaj for respondent no.2)



**: O R D E R (ORAL) :**

**Justice L. Narasimha Reddy:**

The applicants are working as Assistant Electrical Inspectors in the Delhi Administration. It is also stated that they are holding the post of Deputy Electrical Inspector on ad hoc basis and are drawing the salary attached to that post. In the context of regular promotion to that post, they made a representation on 24.12.2012. The reply was given on 13.02.2013, stating that the next vacancy is earmarked for SC category and the request of the applicant cannot be acceded to. This OA is filed, challenging the reply dated 13.02.2013.

2. Since there is a delay of about 1023 days in filing the OA, the applicant filed MA No. 3003/2019 under Section 21(3) of the AT Act, 1985 read with Section 5 of the Limitation Act. The applicants contend that they did not pursue the remedy, expecting some positive consideration from the respondents, and they have decided to file the OA when nothing is forthcoming. The notice was ordered only in the MA.

3. Respondent No.1 filed a counter affidavit, opposing the MA. It is stated that the case of the applicant is under consideration and the OA cannot be entertained at this stage.



4. Respondent No.2, a private respondent, filed a counter affidavit, stating that delay cannot be condoned and the reasons stated therein are totally unacceptable.

5. We heard Sh. DS Chaudhary, learned counsel for the applicants and Shri Atul Kumar & Sh. MK Bhardwaj, learned counsel for the respondents 1 and 2 respectively.

6. The delay is, indeed, enormous. However, taking note of the statement made on behalf of the 1<sup>st</sup> respondent in Para 3 of the counter affidavit that the plea raised by the applicant is under consideration, learned counsel for the applicants sought permission of the Tribunal to withdraw the MA as well as OA. Permission is accorded.

7. The MA and OA are dismissed as withdrawn. It is needless to mention that it shall be open to the applicants to pursue the remedies, if they are not satisfied with the outcome of the consideration of the case by the respondents.

Pending MA, if any, shall also stand disposed of. There shall be no order as to costs.

**(A. K. Bishnoi)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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