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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 523/2001

This the 10th day of December, 2001.

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

HON'BLE SHRI KULDIP SINGH, MEMBER (J)

J.P.Uniyal S/O B.D.Uniyal,  
R/O A-25, Navbharat Times Society,  
Mayur Vihar, Delhi.

... Applicant

( By Shri Dinesh Kumar for Anil Aggarwal & Co., Adv. )

-versus-

Union of India through  
Secretary, Ministry of  
Information & Broadcasting,  
Shastri Bhawan,  
New Delhi.

... Respondent

( By Shri R.P.Aggarwal, Advocate )

O R D E R

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

The applicant has challenged inaction of the respondents in not considering his representation dated 18.11.2000 asking for seniority in Grade-I of Central Information Service (CIS) w.e.f. 26.8.1969 and consequential benefits as per judgment of the Hon'ble Supreme Court in Civil Appeal No.3930/1988 titled as **Rajendra Prashad Dhasmana v. Union of India & Ors.**; the Tribunal's order dated 26.10.1995 in OA No.1324/1991, **Ms. Rajni Singh v. Union of India & Ors.**, and order dated 3.3.2000 in OA No.698/1996, **A.A.Shiromani & Ors. v. Union of India & Ors.**.

2. The learned counsel of the applicant contended that the OA is within the limitation period under Section 21 of the Administrative Tribunals Act, 1985. In the OA

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it has been stated by the applicant that he has not previously filed any application in any court asking for the relief claimed in the present OA. The learned counsel supplemented that in the matter of Ms. Rajni Singh (supra), the applicant had sought extension of benefit of the Supreme Court's judgment in the case of Dhasmana (supra). Though the relief related to the year 1978, on the basis of the judgment in Dhasmana's case the applicant therein was accorded the relief relating to seniority holding that the claim was not barred by limitation.

3. On the other hand, the learned counsel of the respondents contended that it is a well settled law that judgments and orders of the courts in other cases do not give a fresh cause of action. He relied on Bhoop Singh v. Union of India, JT 1992 (3) SC 322; State of Karnataka v. S.M.Kotrayya, 1996 SCC (L&S) 1488; Union of India v. K.L.Babliani, 1999 (1) SCC 729; P.K.Ramachandran v. State of Kerana, 1997 (7) SCC 556; and S.S.Rathore v. State of M.P., 1989 (4) SCC 582. The gist of ratios of the judgments cited by the learned counsel of the respondents is that "delay defeats equity" is a well known principle of jurisdiction and delay of a long number of years cannot be overlooked when a petitioner before the court seeks equity. The learned counsel stated that whereas the judgment in the case of Dhasmana (supra) was available on 15.7.1988 (Annexure-C), the applicant has approached this Tribunal on 22.2.2001. He further stated that the Tribunal's order in the matter of Ms. Rajni Singh (supra) became available on

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26.10.1995 (Annexure-D). He further stated that the applicant had been a party to OA No.552/1987 along with A.A.Shiromani & Ors. on the issue of seniority in CIS w.e.f. 26.8.1969, the date from which he was appointed as Editor in the Collective Works of Mahatma Gandhi (CWMG) and for all consequential benefits. The Tribunal did not extend the benefits of the judgment in the case of Dhasmana (supra) vide its orders dated 9.7.1990 in the aforesated OA because the question of counting service other than regular service in CIS for the purpose of seniority had been under adjudication before the Constitution Bench of the Supreme Court in A.K.Bhatnagar v. Union of India (Writ Petition No.12874/1985), and T.Kannan & Ors. v. V.T.Arasu & Ors. and S.K.Nayyar & Ors. v. Union of India (Civil Appeal No.4252/1985, SLP (C) No.3702/1988 & OA No.926/1988). Whereas Shri A.A.Shiromani filed OA No.698/1996 <sup>in 1996</sup> itself, the applicant slept over although he was a co-applicant with Shri Shiromani in the earlier OA No.552/1987. The learned counsel pointed out that the applicant could have filed his OA at the same time as Shri Shiromani had after the decision of the Supreme Court in the matter of A.K.Bhatnagar was available on 9.11.1990. However, he remained passive and filed the present OA after a gap of more than a decade; thus this OA is certainly hit by limitation.

4. Not only that the applicant is guilty of suppressing material information regarding being a party to OA No.552/1987 seeking the same relief as in the present OA, he also chose to sleep over his rights, if

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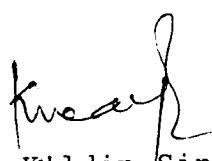
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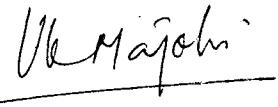
there were any, while his co-applicant in OA No.552/1987 had woken up and sought relief immediately after the judgment in the matter of Bhatnagar (supra) was available in 1990.

5. Seniority and promotion should not be disturbed after a long lapse of time and courts are not expected to entertain petitions challenging seniority after inordinate delay. Again, now it is a settled proposition of law that seniority cannot be re-opened after a long lapse of time as to unsettle the settled position. Reliance is placed on K.R.Mudgal & Ors. v. R.P.Singh & Ors., (1986) 4 SCC 531; and B.S.Bajwa v. State of Punjab, (1998) 2 SCC 523.

6. Agreeing with the contentions made by the learned counsel of respondents and the discussion made above, we are of the considered opinion that the applicant's prayer to antedate his seniority to 26.8.1969 is certainly barred by limitation and, therefore, the question of any consequential benefits also does not arise.

7. The OA is accordingly dismissed being bereft of merit. No costs.

  
( Kuldeep Singh )  
Member (J)

  
( V. K. Majotra )  
Member (A)

/as/