

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 1496/98

T.A.No.

Date of decision 18-8-98

Sh.Chhatra Pal Singh
and Ors.

... Petitioner

Dr.J.C.Madan

... Advocate for the
Petitioner(s)

VERSUS

Govt.of NCT of Delhi
through Chief Secy.& Ors.

... Respondents

... Advocate for the Respondents

CORAM

The Hon'ble Smt.Lakshmi Swaminathan, Member (J)

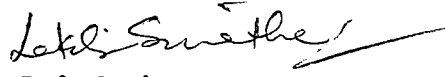
The Hon'ble Shri K.Muthukumar, Member (A)

1. To be referred to the Reporter or
not?.

Yes

2. Whether it needs to be circulated to
other Benches of the Tribunal?

No.


(Smt.Lakshmi Swaminathan)
Member(J)

Central Administrative Tribunal
Principal Bench

O.A. 1496/98

New Delhi this the 18 th day of August, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri K. Muthukumar, Member(A).

1. Shri Chhatra Pal Singh, CO
S/o Shri Lilladhar Singh,
H.No. 332, Gali No. 7,
West Kanti Nagar, Krishan Nagar,
Shahdra, Delhi.
2. Shri Laxmi Narayan,
S/o Shri Gajraj Singh,
R/o Vill. Patramut,
PO- Najafgarh, New Delhi.
3. Shri Laxmi Kant,
S/o Shri Uma Kant,
R/o RZ-52, Vindapur Village,
Uttam Nagar, New Delhi-59. Applicants.

By Advocate Shri J.C. Madan.

Versus

1. Government of NCT of Delhi,
through Chief Secretary,
5, Shamnath Marg, Delhi-54.
2. The Director General of Guards,
C.T.I. Complex, Raja Garden,
New Delhi-27.
3. The Commissioner of Police,
Delhi Police Headquarters,
I.P. Estate, New Delhi. Respondents.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

We have heard Shri J.C. Madan, learned counsel for the applicant. The applicants in this case are aggrieved by the termination of their services as Home Guards by the respondents. According to Para 1 of the O.A., as corrected in Part 'B' File, (which has not been done in Part 'A' file), Applicants 1 and 3 have been terminated by the impugned order dated 15.12.1995 (Annexure A-1) which order is dated 15.12.1994 and applicant 3 was terminated by a verbal order by Respondent 2.

YSC

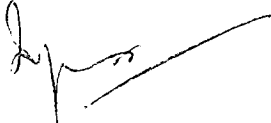
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2.. Applicant 1 has filed M.A.1589/98 praying for condonation of delay on the grounds that he had been making several oral and written representations to the respondents for reinstatement in preference to outsiders and persons juniors to the applicants appointed subsequently and as this is a case of continuous cause of action, the delay may be condoned. It is seen that the Miscellaneous Application for condonation of delay has been filed only by one applicant, and in the case of applicant 3 the date of termination has also not been mentioned. During the arguments, Shri J.C. Madan, learned counsel, has submitted that the impugned termination of the applicants as Home Guards by the respondents has been done in an arbitrary and discriminatory manner as juniors to them have been engaged. The impugned order placed at Annexure A-1 is dated 15.12.1994 and this application has been filed on 7.8.1998. Having regard to the provisions of Section 21(3) of the Administrative Tribunals Act, 1985 read with the reasons given in the MA for condonation of delay in the case of one of the applicants, we are not satisfied that sufficient cause has been shown for filing this application after the period of limitation as provided in the Act. As mentioned above, in the case of termination of service stated to be done by Respondent 2 by verbal order in the case of applicant 3, the applicants have not even specified the date from which this has been done. Following the judgement of the Supreme Court in L. Chandra Kumar Vs. Union of India & Ors. (JT 1997 (3) 589) and P.K. Ramachandran Vs. State of Karnataka and Anr. (JT 1997 (8) SC 89), this application suffers from laches and delay and is barred by limitation.

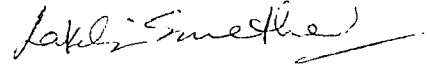
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3.. In the result, the application fails and is dismissed at the admission stage. No order as to costs.



(K. Muthukumar)
Member(A)



(Smt. Lakshmi Swaminathan)
Member(J)

"SRD"