

Central Administrative Tribunal
Principal Bench

O.A. 1882/98

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New Delhi this the 18 th day of January, 2000

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

Shri Jagdev Singh,
S/o Shri Randhir Singh,
House No.36, Malikpur,
(Model Town),
Delhi-110009.

Applicant.

By Advocate Shri G.D. Sharma.

Versus

1. Union of India,
through its Secretary,
Ministry of Supply,
Nirman Bhawan,
New Delhi-110001.

2. The Under Secretary,
Directorate General of Supplies
and Disposals,
Shastri Bhawan,
New Delhi-1.

Respondents.

By Advocate Shri S.M. Arif.

O R D E R

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

The applicant has filed this application seeking a direction to the respondents to provide a job for him on the basis of the order passed by the Tribunal dated 8.4.1997 in O.A. 126/93.

2. The main contention of the applicant is that the eight applicants who had filed the aforesaid O.A. 126/93 were similarly placed like him and he had worked with Respondent 2 from 1990-1992. When they were terminated from service in 1992, the other eight applicants had filed the O.A. which was disposed of by the Tribunal with a direction to the

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Respondents to consider re-engaging the applicants, subject to availability of work and in preference to outsiders and those similarly placed but with overall lesser length of past service. CP 225/97 filed by those eight applicants was also disposed of in view of the order produced by the respondents dated 13.1.1998 engaging them on daily wages in the office of Respondent 2.

3. Shri G.D. Sharma, learned counsel for the applicant, has submitted that as the applicant had also worked as a daily wager in the office of Respondent 2 along with the applicants in OA 126/93, he claims that the applicant should also be re-engaged in the same manner. He relies on the judgement of the Supreme Court in Lt. Governor of Delhi Vs. Const. Dharampal (1991(3)SLR 1). His contention is that since the case of the applicant is identical to the eight persons in the other O.A., he should also get similar benefit, including reinstatement in service.

4. The respondents have taken a preliminary objection in their reply that the O.A. is barred by limitation and hence is liable to be dismissed. They have also denied that the case of the applicant is the same as that in OA 126/93. They have pointed out that the applicant had never made any representation for his engagement as daily wage labourer after he was disengaged on 14.10.1992. Shri S.M. Arif, learned counsel, has submitted that it is only after more than a year of the Tribunal's order dated 8.4.1997 in OA 126/93 that the applicant had made his first representation on 3.2.1998 to re-engage him as daily wage labourer on the ground that he could not join the applicants in OA 126/93 on

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account of financial hardships and family problems. They have, therefore, submitted that his representation could not be acceded to and the O.A. is also hopelessly delayed and barred by limitation. They have also stated that no one except the eight applicants in that O.A. has been engaged by the respondents and that too was done in compliance with the Tribunal's directions. The respondents have stated in Paragraphs 6 and 7 of the reply that they do not have any work of daily wage nature at present and have denied that they are in a position to re-engage the applicant.

5. I have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

6. The admitted position in this case is that the applicant had worked for sometime with the respondents on daily wage basis between 1990-1992 and was disengaged on 14.10.1992. He has made a representation to the respondents on 3.2.1998 praying for re-engagement. The contention of the applicant's counsel that as he was similarly situated as the applicants in OA 126/93, the respondents ought to have considered him for re-engagement as a daily wage labourer even if the applicant himself was not on the scene on the date of the Tribunal's order dated 8.4.1997, cannot be accepted. The applicant's silence for nearly six years from October, 1992 till he made his first representation to the respondents on 3.2.1998 is much beyond the period of limitation. Even if it is taken into account that he is a poor person who needs a job, his silence and inaction for such a long period are not sufficient ground to condone the delay. In a recent judgement of the Supreme Court in *Delhi Administration & Ors. Vs. Hira Lal & Ors.* (JT 1999 (10) SC

128), the Apex Court has held that as there is no explanation available on the record as to why such delay and laches occurred, where the present respondents were dismissed from service in March, 1967 and their writ petitions were filed 16/18 years thereafter, the appeals by Delhi Administration were allowed and the respondents' writ petitions were dismissed. On merits, the respondents have categorically stated that apart from the eight persons who have been re-engaged in pursuance of the Tribunal's order of 8.4.1997, they have not engaged anybody else as daily wage labourer and they do not also have any work of this nature at present. Nothing has been placed on record to show that the applicant's case is similar to those of the other eight applicants in OA 126/93. The judgement of the Supreme Court in Const. Dharam Pal's case (supra) relied upon by the applicant will not, therefore, assist the applicant in the present facts and circumstances.

7. For the reasons given above, O.A. fails and is dismissed. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'