

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 349 of 1998

New Delhi, this the 18th day of December, 1998

HON'BLE MR. R.K. AHOOJA, M (A)

Sh. Krishna Somar, aged about 33 years,
S/O Sh. Mewa Lal, H.No. 6871, Kilekadam
Sarif, Nambikarim, Paharganj, New Delhi -
110 055.

(V) --APPLICANT.

(By Advocate: Sh. Surender Singh) -

Versus

1. The Chief Secretary, Govt. of N.C.T. of Delhi, Shamnath Marg, Delhi - 110 054.
2. The Deputy Director, Department of Census Operations Delhi, Old Secretariat, Delhi.

(V) --RESPONDENTS.

(By Advocates -

Sh. Vijay Pandita for respondent No. 1.
Sh. D.S. Jagotra for respondent No. 2.)

ORDER

By Hon'ble Mr. R.K. Ahoja, M (A)

The applicant submits that he had worked as daily wage Mazdoor under the Deputy Director, Department of Census Operations Delhi from 11.3.1991 to 31.12.1992. The Regional Tabulation Office under Dy. Director of Census Operations where the applicant was working, was wound up on 31.12.1992 and all the staff were retrenched. He submits that it has come to his knowledge that on the basis of orders given by this Tribunal the name of certain similarly placed colleagues had been sponsored for re-engagement under Respondent No.1, the Chief Secretary, Govt. of NCT of Delhi. On that analogy, the applicant also seeks a direction to the respondent No.2, to forward his name to respondent No.1, for consideration for engagement.

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2. The respondent No. 1, Govt. of N.C.T. of Delhi in their reply have stated that the office of the Dy. Director of Census Operations, 1991 was under the office of Secretary, Ministry of Home Affairs, Govt. of India. Thus, the applicant has no connection with N.C.T., Delhi. Respondent No. 2 has taken a plea that the office of Regional Tabulation Offices was closed in December, 1992. Only those who were regular employees were entitled to obtain the benefit of certain concessions given to the retrenched employees. The applicant being a daily wage Mazdoor, was not entitled to any benefit. In any case, it is now too late in the ~~law~~ ^{day} for the applicant to seek re-engagement on the basis of retrenchment, in the Census Operations.

3. I have heard the learned counsel on both sides. Sh. Surinder Singh relied on the orders of this Tribunal in OA 425/95, decided on 8th May, 1996 - **Suresh & Ors. Vs. Union of India & Ors.** and submitted that the applicant being similarly placed as the applicants in OA 425/96 was entitled to the same benefits.

4. I am unable to agree with the learned counsel. The applicants, in OA 425/96, had initially come before the Tribunal in OAs 615/92 and 5588/92. OA 425/96 was in the second round of litigation. The applicant even though he was also similarly placed kept silent from 1992 onwards and filed the present OA after a delay of 6 years on 6.2.1998. The OA has also been filed more than 1 year 9 months after the orders passed by the Tribunal in OA 425/96. As held by the Hon'ble Supreme Court in the case

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of Bhoop Singh Vs. Union of India & Ors., JT 1992 (3) (3)

S.C. 322, inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim and without any cogent explanation, challenge cannot be permitted merely because other similarly placed had obtained a relief. Since a period of six years has lapsed from the retrenchment of the applicant and he has waited more than a year even after the order of the Tribunal on the basis of which he seeks the relief and no cogent explanation has been given for the delay, the present application in my view is time barred.

5. For the reason given above, the OA is dismissed. No order as to costs.

R.K. Ahuja
(R. K. AHODJA)
MEMBER (A)

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