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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.600/1998

New Delhi, this 8th day of November, 2000

Hon'ble Shri Kuldip Singh, Member(J)
Hon'ble Shri M.P. Singh, Member(A)

K.N. Chhabra
H/14, Vikaspuri, New Delhi-110018 .. Applicant

(By Shri G.D.Gupta, Advocate)

versus

Government of NCT of Delhi, through

1. Chief Secretary
5, Sham Nath Marg, Delhi-110054

2. Director of Education
Old Secretariat
Delhi-110054

.. Respondents

(By Shri Anil Singhal, Advocate)

ORDER

By Shri M.P. Singh

The applicant is before us challenging the order dated 16.12.97 whereby his claim for appointment to the post of Post Graduate Teacher (History) [PGT/H, for short) has been rejected.

2. Brief facts of the case, as averred by the applicant, are that he was initially appointed as TGT(Science) on 29.11.79 through open competition. In response to respondents' circular for filling up the posts of PGT/H, applicant applied for the same, he was interviewed on 27.4.84 and his name was placed at Sl.No. 6 in the panel. Applicant came to know through the circular dated 18.7.91 (Annexure A-3) of R-2 that though a large number of persons were appointed from the said panel as PGT(Male) during the period from 1.5.7⁸⁴₀ to 31.3.88, the applicant could not get the offer of

M.P.

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appointment. When the applicant came to know that a large number of similarly situated persons approached this Tribunal, which took the view that fresh direct recruitment could not be resorted to till the entire panel had been exhausted, he submitted a representation to the respondent on 12.11.97, followed by another on 3.12.97. However the same was rejected by the impugned order dated 16.12.97. That is how the applicant is before us seeking directions to quash and set aside this impugned order and to appoint him as PGT/H from the panel of April, 1984.

3. Respondents in their counter have resisted the claim of the applicant and contended that the panel prepared in 1984 was cancelled as per the letter dated 9.11.84 of Delhi Administration which provided that Direct Recruitment panels can be kept alive only for a period of 18 months. Again, the applicant represented against the panel of 1984 only in the year 1997, i.e. after a lapse of about 13 years and has filed the present OA in February, 1998 and therefore, the application is hopelessly barred by limitation. In the meanwhile fresh recruitments have been made in the years 1986, 1987, 1991-92, 1994 and 1996.

4. Heard at length the rival contentions of the contesting parties and perused the records.



5. Learned counsel for the applicant vehemently argued that the benefit of the judgement dated 30.10.89 of this Tribunal in the case of Smt. Nirmal Kumari & Anr. Vs. Delhi Admn. in OA 363/87 in which a similar issue was decided in favour of the applicants therein should have been extended to the applicant. He has also cited the judgement of the apex court in the case of UOI Vs. Ishwar Singh Khatri in support of his contention. The learned counsel for the applicant also drew our attention to OM dated 8.2.1982 issued by Ministry of Home Affairs (Annexure A-7) which provides that there would be no limit on the period of validity of the list of selected candidates prepared to the extent of declared vacancies. He stated that the circular dated 9.11.1984 was issued by the Delhi Administration under the mistaken impression that no instructions existed regarding the validity of the panel drawn on the basis of Direct Recruitment. Subsequently the instructions dated 9.11.1984 were cancelled vide circular dated 14.2.1986. According to him, the panel was operated upto 1986 and the latest appointment made by the respondents from that panel was that of Smt. Kiran Varshney, PGT(Commerce) on 17.12.1986. He also submitted that a vacancy of PGT/H still exists in the school where the applicant is presently working. He, therefore, contented that in view of the aforesaid facts, the applicant is legally entitled for appointment as PGT/H.



6. However, the learned counsel for the respondents contended that the the benefit of these judgements cannot be extended to the applicant as he was not one of the applicants in these cases. He also brought to our notice the decision of this Tribunal dated 7.9.99 in OA No.1794/94 in which an identical issue was considered at length and after discussing various judgements of this Tribunal as also the Delhi High Court and Hon'ble Supreme Court the said OA was dismissed on the point of limitation as also on merits. He also submitted that after cancelling the panel in 1984, fresh recruitments have been made in 1986, 1987, 1992, 1994 and 1996. Therefore, the applicant cannot be considered for appointment as PGT/H after such a long delay and also in view of the judgement of the Tribunal dated 7.9.99 in OA No.1794/94 (supra).

7. We have carefully gone through this judgement and we feel that the present OA is squarely covered in all fours by the decision dated 7.9.99 in OA No.1794/94. Admittedly the applicant made his representation in 1997 against the panel of 1984 and has approached this Tribunal in 1998. Thus the present OA is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. Inordinate and unexplained delay or laches is by itself a ground to refuse relief irrespective of the merits of the claim. The decision in another case does not give right for fresh lease of time. In this proposition, we are fortified by the decision of the Constitution Bench of the Hon'ble Supreme Court in M/s. I. Motichand & Others Vs.

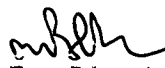
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H.B.Munshi. Commissioner of Sales Tax & Anr. AIR 1970
SC 598. It is also a settled law that repeated
representations will not extend the period of
limitation.

8. As expressed by us earlier that the facts and
circumstances involved in the present OA are at par with
that OA 1794/1994 (supra). we have no reason to take a
different view than the one arrived at in the said OA.

9. In view of the above position, we are unable to
grant any relief sought for by the applicant. In the
result, the OA is dismissed as hit by limitation and
being devoid of merits. There shall be no order as to
costs.


(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

/gtv/