

(34)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OAs No. 723/98, 724/98, 725/98, 727/98 and 728/98

New Delhi, this 22nd day of May, 1998

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

1. Shri Subhash Chander (OA 723/98)
124/9, Kishan Garh
Mehrauli, New Delhi-36

2. Shri Vijender Kumar (OA 724/98)
432, Katra Chobean
Chandini Chowk, Delhi-6

3. Shri Umed Singh (OA 725/98)
RZ Q-11, Vikash Bihar
Uttam Nagar, New Delhi

4. Shri Shyam Lal (OA 727/98)
VIII. & PO Bakoli
New Delhi-36

5. Shri Teran Raj (OA 728/98)
1043/3, Ward No.8
Mehrauli, New Delhi

Applicants

(By Shri U. Srivastava, Advocate)

versus

Govt. of NCT of Delhi, through

1. Director General
Home Guards & Civil Defence
Nishkam Sewa Bhavan, New Delhi

2. Commandant
Home Guards & Civil Defence
Nishkam Sewa Bhawan, New Delhi

Respondents

(By Shri Rajinder Pandita, Advocate)

ORDER

Hon'ble Shri S.P. Biswas

Since the background facts, legal issues raised and reliefs prayed for in all these five OAs are identical, we propose to dispose these OAs through a common order.

2. Applicants, who were working as Home Guards under the respondents from 1989, were verbally restrained by the respondents from performing any duty sometime during 1993. Applicants challenge the validity of such verbal

ders on the basis that they had been performing their duties with the respondent-department to the entire satisfaction of the superiors and had unblemished service records, whereas respondents have been engaging freshers/outsideers for the same nature of job. They would further contend that the jobs they had performed earlier still do exist. Yet another plea taken by the applicants relate to the decision of this Tribunal in the case of I.S.Kumar & Ors. Vs. NCT of Delhi and others, decided on 12.12.97 in OA 1753/97. As per the applicants, similarly placed persons have been provided with the relief. Denial of the benefit to the applicants herein, who are similarly placed persons, is in violation of the law laid down by the Hon'ble Supreme Court in the case of K.C. Sharma & Ors. Vs. UOI & Ors. 1998(1) SLJ 64, argued the applicants. In this case, it was held that application filed by similarly placed persons should not be rejected on account of limitation.

3. The claim of the applicants has been vehemently resisted by the respondents. Learned counsel for the respondents would mention that the applicants were discharged way back in July, 1993, they decided to keep quite for almost five years and cannot be allowed to agitate the issue after such a long gap. Learned counsel argued that the Government is not at fault on account of the applicants having not approach them earlier. To buttress his arguments further, learned counsel drew our attention to the decision of the Hon'ble Supreme Court in the case of P.K.Ramachandran Vs. State of Kerala & Anr. JT 1997(8) SC 189. Their Lordships held in this case that the Court has to record

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in writing that the explanation offered in the delay occurred was reasonable and satisfactory. That is a pre-requisite for condonation of delay. Applicants have not come out with any valid ground, much less convincing one, that would warrant condonation of delay at this belated stage, counsel contended.

4. We are not required to adjudicate the disputed claim since learned counsel for the applicants submits that instead of pressing reliefs as in para 8(a) and (b) of the OA, he would like to only confine his claim in terms of issuance of a direction to the respondents to dispose of the representation of the applicants in the light of the judgement passed in the case of I.S.Kumar(supra). We find that the applicants have preferred representations on 16.4.97 (OA 723/98), 16.7.97 (OA 724/98), 25.10.96(OA 725/98), 29.6.97 (OA 727/98) and undated representation (OA 728/98). These representations still remain unreplied to.

5. In view of the position aforementioned, we direct the respondents to dispose of the representations submitted by the applicants within a period of two months by a speaking and reasoned order. Applicants shall be informed of the decision taken in the matter. We make it clear that we have not expressed any opinion on the issue of limitation and that the decision taken by the respondents shall not provide any fresh cause of action to the applicants herein. Applications are disposed of as aforesaid. No cost.

(S.P. Bhaswas)
Member(A)

(T.N. Bhat)
Member(J)

/gtv/

Attested
KLSB P
co/c III
24/98