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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. No. 1762 of 1995

New Delhi, this the 1st day of ~~Sept.~~, <sup>November</sup> 1995.

HON'BLE MR B.K.SINGH, MEMBER (A)  
HON'BLE Mrs LAKSHMI SWAMINATHAN, MEMBER (J)

Shri Satbir Singh,  
S/O Shri Dalip Singh,  
V. & P.O. Pehladpur Kitmola,  
Distt. Rohtak (Haryana)

... Applicant,

(through Mr S.P. Sharma, Advocate).

vs.

1. The Commissioner of Police,  
Delhi Police Force,  
Delhi Police Headquarters,  
I.P.Estate, New Delhi.

2. The Deputy Commissioner Of Police,  
Delhi Police Force,  
P.T.S. Malvia Nagar, New Delhi. ... Respondent

(through None).

Order

(delivered by Hon'ble Mr B.K. Singh, Member (J))

This O.A. No. 1762 of 1995 has been filed  
for grant of benefits to the applicant in terms  
of the judgment dated 6.4.1994 passed in O.A. 1454 of  
1988 (Om Kanwar Singh vs. Delhi Administration & others)  
directing the respondents to give the applicant  
the similar benefits due to the identical  
facts and circumstances of the present case  
and quash the order of dismissal dated 19.5.1984, the  
order of rejection of appeal of the  
applicant dated 30.7.1984, communicated vide order  
dated 8.4.1985, to direct the respondents to  
re-instate the applicant with all consequential  
benefits substituting the penalty of dismissal  
with minor penalty.

This application is not entertainable since

it is barred by delay and laches. The Hon'ble Supreme Court have clearly laid down in State of Punjab vs. Gurdev Singh (1991) 4 SCC 1 that an aggrieved party has to approach for redressal of his grievance within the prescribed period of limitation since after the expiry of statutory time limit, the Court cannot grant the relief prayed for. The Administrative Tribunals Act does not vest any power or authority except the one under Section 21. It has been held in S. S. Rathore vs. State of M. P. AIR 1990 SC 10 that the cause of action shall arise on the date of the order of the higher authority disposing of the appeal or representation. Where no such order is made within six months after an appeal or representation is filed, the cause of action would arise from the date of expiry of six months. Thus, the statutory period under which a person aggrieved by an order must approach under Section 19 of the CAT Act is provided under Section 21. In the case of S. S. Rathore (Supra), it has been <sup>repeated</sup> held that representations filed by an aggrieved person do not extend the period of limitation.

In the present case, the applicant has claimed re-instatement and consequential benefits from 1985 on the basis of the judgment dated 6.4.1994 passed in O.A. No. 1454/88 (Om Kunwar Singh vs. Delhi Administration & others). The Hon'ble Supreme Court have categorically laid down the law that judgment and orders of the Court in other cases do not give cause of action. This was ~~also~~ held by the Hon'ble Supreme Court in JT 1992(3) SC 322 Bhup Singh vs. Union of India.

In a similar case, Union of India vs. Rakesh Chander Samanta JT 1993(3) SC 418, it has been held that

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delay and laches defeat the right and if right is lost remedy available is also lost to an aggrieved party. In JT 1994(2) SC 126

Ex. Captain Harish Uppal vs. Union of India, the Hon'ble Supreme Court have laid down the law that parties should pursue their rights and remedies promptly and not to sleep over the rights.

If they choose to sleep, the Court should decline to interfere. The Hon'ble Supreme Court have also mentioned that delay defeats equity and that the Courts help those who are vigilant and do not slumber over their rights. Those who sleep over their rights their claim should not be entertained.

In view of the observations made by the Hon'ble Supreme Court in the aforesaid judgments, and in view of the fact that this Court is vested with the limited power, as contained in Section 21 of the CAT Act, we cannot take any cognizance of this petition. The same is dismissed in limine as barred by delay and latches.

Lakshmi Swaminathan

( Mrs Lakshmi Swaminathan)

/sds/

MEMBER (J)

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( B. K. Singh)

Member (A)