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Central Administrative Tribunal
Principal Bench

O.A. 200/96

New Delhi this the 18 th day of August, 1998

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri K. Muthukumar, Member(A).

1. Shri Sher Singh,
S/o Shri Ganga Ram,
R/o Village Tukmirpur,
PO: Gokul Puri, Shahdra,
Delhi.
 2. Shri Narain Singh,
S/o Shri Devi Sahai,
R/o E/20, B/326, Jawahar Mohalla,
Patpar Ganj, Delhi-91.
 3. Shri Ashok Kumar Ist
S/o Shri Parbhati,
C/o Shri Tej Pal Singh (Master),
R/o 380, Near Hardev Puri School,
Shahdara, Delhi.
 4. Shri Bharam Somp,
S/o Sh. Parbhati,
R/o Village Khazori Khas,
P.O. Gokul Puri, Shahdara,
Delhi-94.
 5. Shri Dalbir Singh,
S/o Shri Chet Ram Singh,
R/o E-20, B-410, Jawahar Mohalla,
Patpar Ganj, Delhi-91.
 6. Shri Ranbir Singh,
S/o Shri Parbhati,
R/o E/20, B-307, Jawahar Mohalla,
Patpar Ganj, Delhi-91.
 7. Shri Tej Pal,
S/o Shri Ilma,
C/o Dr. Mauji Ram,
R/o H.No. 4A, Harijan Basti,
Gali No. 2, PO Gokul Puri,
Shahdara, Delhi-94.
 8. Shri Danesh Chand,
S/o Sh. Ram Dass,
Village Tahir Pur,
Shahdara, Delhi-95.
 9. Shri Ashok Kumar-IInd,
S/o Shri Pooran Lal,
C/o Sh. Shiv Kumar Sharma,
R/o House No. 317, Gali No.8,
Block-C, Shiv Vihar, Karwal Nagar,
Delhi-94.
 10. Shri Bal Kishan Sharma,
S/o Shri Mangat Ram Sharma,
R/o Village and PO Dhatir,
Tehsil Palwal, Distt. Faridabad (Har).
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11. Shri Rakesh Kumar,
S/o Shri Nathi Lal,
R/o Sarai Khoja Jaria Market,
Usha Colony, Palla No. 2,
Faridabad, Haryana.

12. Shri Jagbir Singh,
S/o Shri Raj Singh,
R/o Sarai Khoja, Jaria Market,
Usha Colony, Palla No. 2,
Faridabad (Haryana).

..... Applicants.

By Advocate Shri A.K. Sharma, proxy counsel for Shri Ashok Aggarwal.

Versus

Government of National Capital
Territory of Delhi, through its
Chief Secretary,
5, Shyam Nath Marg,
Delhi-54.

..... Respondents.

None for the respondents.

O R D E R

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

This application has been filed by 12 applicants claiming that the impugned memorandum dated 9.6.1995 and 30.6.1990 are illegal and arbitrary and praying for a direction to the respondents to include their names in the panel prepared by the respondents pursuant to the decision of the Hon'ble Supreme Court dated 4.2.1992 in Civil Writ No. 323 of 1989.

2. This case was listed at Item No. 3 in the cause list of 11.8.1998. We have heard Shri A.K. Sharma, learned proxy counsel for the applicants and perused the reply filed by the respondents.

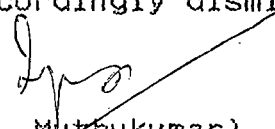
3. The relevant facts as stated by the applicants show that they were employed in the Delhi Rural Development Agency (DRDA) which, according to them, was managed and controlled by the respondent i.e. Government of NCT, Delhi. This averment has been denied by the respondents in their reply

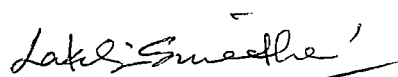
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and they have stated that the DRDA is an autonomous body registered under the Society Registration Act, 1890 which fact was confirmed by Shri A.K. Sharma, learned proxy counsel. The learned proxy counsel contends that since the judgement of the Hon'ble Supreme Court pertaining to other persons similarly situated like the applicants have been delivered on 4.2.1992 in W.P. NO. 323/89 (Annexure 'B'), the applicants were also entitled to a direction, as prayed for in this O.A. from the Tribunal.

4. We have no hesitation in agreeing with the learned counsel's submissions that the judgement of the Apex Court is binding on all Courts and Tribunals in the country, including us. The applicants have not impleaded DRDA even though they themselves have stated that they were employed by them. ^{Further} ~~However~~, he has not been able to draw our attention to any document on record to show that the applicants are, in fact, employed by Respondent 1. The judgement of the Supreme Court relied upon by them is dated 4.2.1992 and this application, therefore, suffers from laches and delay. Therefore, in the circumstances of the case, we are unable to agree with the contentions of the learned proxy counsel for the applicants that this application is maintainable to direct the respondents to include the applicants in the impugned panels at this stage. (See observations of the Hon'ble Supreme Court in A. Hamsaveni and Ors. Vs. State of Tamil Nadu and Anr. with connected cases (1994 SCC (L&S) 1277)).

5. In the facts and circumstances of the case, ^{since} ~~therefore~~, this application is not maintainable ^{and} ~~and~~ it is accordingly dismissed. No order as to costs.


(K. Muthukumar)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

"SRD"