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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O. A. No. 1231/94

New Delhi: this the 24th day of AUGUST, 1999.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. P. C. KANNAN, MEMBER (J)

Mohd. Haider,
S/o Shri Wasi Haider,
R/o Village Rashulpur,
P.O. Bhopa,
Distt. Muzaffar Nagar (UP) Applicant.

(By Advocate: Shri G. D. Gupta)

Versus

Union of India,
through
Secretary to the
Govt. of India,
Ministry of Home Affairs,
North Block,
New Delhi - 001

2. The Lt. Governor/Administrator,
Govt. of NCT of Delhi,
Raj Niwas,
Delhi - 054

3. Commissioner of Police,
Delhi Police Headquarters,
MSD Building, I.P. Estate,
New Delhi - 002

4. The Deputy Commissioner of Police,
III Battalion,
Delhi Armed Police,
Police Headquarters,
MSD Building, I.P. Estate,
New Delhi - 002

.... Respondents.

(By Advocate: Shri Girish Kathpalia)

ORDER

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

In this OA filed on 16.3.94 applicant impugns respondents' action in rejecting his candidature for the post of Constable in Delhi Police on the basis of selection held in August, 1995 and seeks the benefits granted to applicant's colleagues who

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are claimed to be similarly placed in OA No. 640/86 decided on 22.8.90, in respect of which RA No. 156/90 was disposed of by order dated 1.10.91.

2. Respondents have raised the preliminary objection of limitation, pointing out that applicant is approaching the Tribunal after 9 years.

3. Applicant's counsel has stated that in O.A.No. 2434 filed as late as 1995 such a prayer has been allowed, and also relies upon the judgment in *Prom Dast Vs. Delhi Administration*, 1989(1) ATLT SC 750

4. We have considered the preliminary objection raised by respondents carefully. In the case of *Bhoop Singh Vs. UOI* (1992) 21 ATC 675, the Hon'ble Supreme Court has laid down as under:

"There is another aspect of the matter. Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief. This is more so in service matters where vacancies are required to be filled promptly. A person cannot be permitted to challenge the termination of his service after a period of 22 years, without any cogent explanation for the inordinate delay, merely because others similarly dismissed had been reinstated as a result of their earlier petitions being allowed. Accepting the petitioner's contention would upset the entire service jurisprudence and we are unable to construe Dharampal in the manner suggested by the petitioner. Article 14 of the principle of non-discrimination is an equitable principle and, therefore, any relief claimed on that basis itself be founded on equity and not be alien to that concept. In our opinion, grant of the relief to the petitioner, in the present case, would be inequitable instead of its refusal being discriminatory as asserted by the learned counsel for the petitioner. We are further

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of the view that these circumstances also justify refusal of the relief claimed under Article 136 of the Constitution."

5. In the present case, applicant is coming to the Tribunal after 9 years but the afore extracted ratio is equally applicable in the present case. It is well settled that judgments in other cases do not extend the period of limitation and the period of limitation has to be taken from the date the cause of action initially arise. In the present case, there is not even any prayer for condonation of delay.

6. The preliminary objection of respondents on ground of limitation is therefore sustained and the OA is dismissed. No costs.

P. C. Kannan
(P. C. KANNAN)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A).

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