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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.1451/94

NEW DELHI THIS THE 3rd DAY OF AUGUST, 1994.

HON'BLE SHRI J.P.SHARMA, MEMBER (J)
HON'BLE SHRI S.R. ADIGE, MEMBER (A)

Ex Constable Subash Chander
S/o Shri Bania, R/o Village &
P.O. Pali, Distt. Jind (Haryana)Applicant

By Advocate : Sunil Malhotra, though not present

VERSUS

1. Union of India, through the Secretary, Ministry of Home Affairs.
2. Commissioner of Police, Police Headquarters NEW DELHI.
3. Dy Commissioner of Police, 10th Bn DAP New Delhi.Respondents

By Advocate : None

JUDGEMENT (ORAL)

None is present for the applicant when the case was taken up for the second time. The learned counsel for the applicant Shri C.L. Kumar has already been arguing this matter earlier. The case is barred by limitation.

2. The applicant wants the quashing of the order of termination of 14.5.1987 and the subsequent order of 16.7.1988. He sought reinstatement in service w.e.f. that date. On the last hearing, the applicant's counsel referred to the decision of Sh Bhup Singh Vs Union of India reported in JT 1992 Vol 3 SC P-322. The contention of the learned counsel on the last date of hearing was that certain similarly placed employees were also served with an order of termination and interference of the Tribunal in the order of termination were set-aside. The learned counsel,

therefore, has sought limitation from the decision of case of similarly placed employees, in the case of Naresh Chandra and Ors vs Union of India in O.A. 1510/87 decided on 31st May, 1991; and O.A. 785/90 decided on 8.11.91. We are afraid that the judgement never gives a cause of action to those not parties to suit, or the proceedings of the case in which the judgement has been delivered. Though, it is expected from the respondents as well as the administration that they should deal with similarly placed employees in a like manner, but at the same time if the employee feels aggrieved/he should not remain indolent for years together, as in this case since 1987 seeking judicial review in this application in July, 94. The court cannot help the indolent.

3. In view of the above we find that the present application is barred by limitation, delay and laches. Applicant who was terminated from service, could not bring out a prima facie case under clause 3 of Section 19 of the AT Act, 1985. and such the Application is dismissed.

Adige
(S.R. ADIGE)
MEMBER (A)

Sharma
(J.P. SHARMA)
MEMBER (J)

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