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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 657/2000

New Delhi this the 8th day of February, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J)
Hon'ble Shri Govindan S. Tampi, Member(A)

1. Shri Anil Kumar, LDC,
Employment Exchange Department,
NCT, Kasturba Gandhi Marg, N/Delhi.

2. Sh. Mathura Prasad, LDC,
Employment Exchange Department,
NCT Kasturba Gandhi Marg, N/Delhi.

. Applicants

(None for the applicant)

VERSUS

1. Government of NCT of Delhi
through its Principal Secretary
Services, 5, Sham Nath Marg, New Delhi.

2. Employment Officer,
Govt. of NCT, Kasturba Gandhi
Marg, New Delhi.

. Respondents

(By Advocate Shri Vijay Pandita)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman(J):

The applicants have impugned the validity of the action and order passed by the respondents dated 16.10.1996 (Annexure P.1). In this letter, reference has been made to the DOP&T O.M. dated 29.9.1992 which provides, inter alia, that surplus employees re-deployed as LDCs will have to pass the Typing test in order to earn increments after redeployment.

2. None has appeared for the applicants even on the second call and none has also appeared when the case was listed on the previous date i.e. 29.1.2000. In the circumstances, the application could have been dismissed for default

[Signature]



(2)

and non prosecution. However, we have perused the documents on record and heard Shri Vijay Pandita, learned counsel on merit also.

3. The respondents have taken a preliminary objection in their reply that the application is barred by limitation. They have relied on a number of judgements of the Hon'ble Supreme Court as stated in the reply. This OA has been filed on 6.4.2000 i.e. more than three and a half years after the impugned annexure A.1 letter has been issued. It is further noticed that this letter itself has been issued in pursuance of the Govt. of India DOP&T O.M. dated 29.9.1992 governing the situation in similar cases of persons being declared as surplus employees and who were being posted as LDCs. Taking into account the facts and circumstances of the case, we agree with the contention of the learned counsel for the respondents that the OA is hopelessly barred by limitation and suffers from laches and delay. No M.A has also been filed by the applicants praying for condonation of delay. In the circumstances the preliminary objection taken by the respondents that the OA is barred by limitation is upheld.

4. We have also seen the other grounds taken by the applicants but we do not find any force in the same, including their contentions that the impugned circular is contrary to law, rules and against public policy. Considering the nature


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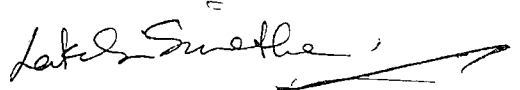


(3)

of surplus employment and those who have been redeployed as LDCs, the requirement that they have to pass Type test neither appears to be arbitrary nor unreasonable warranting the quashing of the impugned circular dated 16.10.1996.

5. In the result for the reasons given above, the OA fails and is dismissed. No order as to costs.


(Govindan S. Tampi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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