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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A./T.A. No. _____ 198

No. OA 17/86

B. K. Dhingra

Applicant(s)

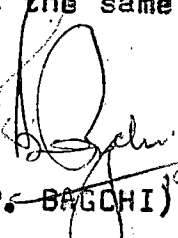
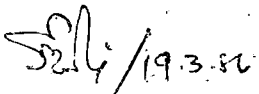
Versus

Union of India & Others

Respondent(s)

| Sr. No. | Date | Orders |
|---------|---------|--|
| | 19.3.86 | <p>Present: Petitioner in person</p> <p>Mrs Raj Kumari Chopra, counsel for respondents.</p> <p>We have heard the arguments of the petitioner and the learned counsel for respondents. It is admitted that the case relates to non-promotion of the applicant to the vacancy which arose in 1965 in the grade of Supervisor(BS) Grade II of MES. It has been also admitted by the petitioner that he was at that time over age for the post but he now avers that he came to know in 1983-84 that some over-aged departmental candidates had been appointed to the same grade while his case had been rejected on the ground of his being over-aged. The learned counsel for the respondents has objected to the admission of the applicant as the Union of India has not been impleaded and there has been unconscionable delay on the part of the applicant for about 20 years in coming up for relief. The learned counsel has quoted a number of rulings of the Hon'ble Supreme Court and other High Courts whereby the claims on facts and circumstances long bygone has not been entertained on the grounds of laches and of diligence on the part of the applicant and receipt of stale claims thereafter.</p> |

Contd.....

| Sr. No. | Date | Orders |
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| | | <p>In this particular case we are convinced that the applicant's claim suffer from the same infirmities. There is in any case no prima facie case of injustice which we could identify with the applicant so as to overlook the inordinate delay in the interest of justice. Even if for the sake of argument we assume that in his case the age should have been relaxed we cannot assume that he would have been selected because the vacancy had to be filled up by direct recruitment ^{by} and open competition. The applicant has also not been able to produce before us any concrete and authentic evidence to substantiate his assertion that other departmental candidates who were selected had been given the benefit of age relaxation.</p> <p>Accordingly we do not find any merit in the application and reject the same.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;">  (H.P. BAGCHI) 19.3.81 </div> <div style="text-align: center;">  (S.P. MUKERJI) </div> </div> |