

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 564/87.
T.A. No.

198

DATE OF DECISION May 8, 1989.

Shri T.L.Babbar Petitioner

Shri R.L.Sethi, Advocate for the Petitioner(s)

Versus

Union of India & Another Respondents

Shri P.P.Khurana, Advocate for the Respondent(s)

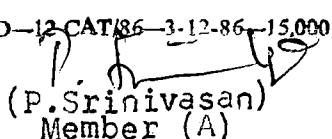
CORAM :

The Hon'ble Mr. Justice Amitav Banerji, Chairman.

The Hon'ble Mr. P.Srinivasan, Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement? *Y*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

MGIPRRND-12-CAT/86-3-12-86-15,000


(P.Srinivasan)
Member (A)

8.5.1989.


(Amitav Banerji)
Chairman

8.5.1989.

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

O.A. No.564/87.

Date of decision: May 8, 1989.

Shri T.L.Babbar ... Applicant.

Vs.

Union of India & Another ... Respondents.

CORAM:

Hon'ble Mr. Justice Amitav Banerji, Chairman.

Hon'ble Mr. P.Srinivasan, Member (A).

For the applicant ... Shri R.L.Sethi, counsel.

For the respondents ... Shri P.P.Khurana, counsel.

(Judgment of the Bench dictated in Court
by Hon'ble Shri P.Srinivasan, Member (A)).

In this Application under Section 19 of the
Administrative Tribunals Act, 1985, which has come up for
hearing before us today, the applicant who is currently
working as Assistant in the Directorate of Plant Protection,
Quarantine and Storage, Faridabad prays that he be declared
quasi permanent from 1.7.1985 and allowed consequential
benefits and further that he be declared as having been
confirmed as LDC with effect from 1.5.1957 with all consequen-
tial benefits.

Shri R.L.Sethi, learned counsel for the applicant
submitted that though the prayer relates to a period more
than 33 years ago, the applicant has been constantly
representing to the authorities all along but with no avail.
Therefore, for no fault of the applicant, he was obliged to
approach this Tribunal as late as in 1987. He submitted
that gross injustice had been done to the applicant for
redressal of which he has come to this Tribunal and, therefore
his Application deserved sympathy. Moreover, the Application

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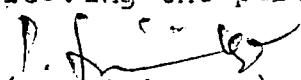
has arisen out of Office Memorandum dated 12.3.1987 (Annexure A-I to the Application) issued by the Plant Protection Adviser to the Govt. of India, rejecting the applicant's representation and in view of this the Application should be treated as within time.

Shri P.P.Khurana, learned counsel for the respondents strongly opposed the applicant's prayer on the ground that it was badly delayed and further that it was devoid of merit and deserved to be dismissed.

We have given careful consideration to the matter.

As stated above, what the applicant wants us to do is to declare him quasi permanent w.e.f. 1955 and permanent w.e.f. 1957 and to allow all consequential benefits like seniority, promotion and monetary benefits flowing therefrom. If we accede to his request, we would be upsetting a settled order of things, settled for over 30 years now and we would also be affecting the rights acquired during this period of other persons who have not been made parties here. A litigant has to be diligent in pursuit of his rights. If he chooses to come to court after over 30 years, the court cannot award him relief by putting the clock back and upsetting all that happened in the interval. Several benches of this Tribunal have held that where the cause of action arose prior to 1.11.1982, an Application in regard to the same cannot be entertained by this Tribunal. In this case, the Application is so much delayed that the cause of action has become stale. Merely because the applicant has been agitating before the authorities from 1957 as he himself submitted before us personally, the cause of action cannot be kept alive and in any case, we cannot set at naught events that have intervened from 1957 till 1987.

In view of the above, we dismiss the Application leaving the parties to bear their own costs.


(P.Srinivasan)
Member (A)
8.5.1989.


(Amitav Banerji)
Chairman
8.5.1989.