

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHIOA / TA / TA / CCP No. 19

APPLICANT (S)

COUNSEL

VERSUS

RESPONDENT (S)

COUNSEL

Date	Office Report	Orders
		<p>25-7-94.</p> <p>RA. 232194 OA. 444/90</p> <p>RA disposed of by Circular.</p> <p>BB Copy Forward</p>

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. No. 232/94
in
O.A No. 444/90

New Delhi this 26th Day of July 1994

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

Shri A.K. Malhotra,
Son of Late Shri K.C. Malhotra,
Resident of G-415 Narouji Nagar,
New Delhi- 110 029.
Working in the National Zoological Park,
New Delhi. Applicant

(By Advocate : Shri Inderjit Sharma)

Vs

1. Union of India,
Ministry of Environment and Forests,
C.G.O. Complex,
Lodi Road,
New Delhi-110 003.
2. Director,
National Zoological Park,
New Delhi.

O R D E R (BY CIRCULATION)

Hon'ble Shri J.P. Sharma, Member (J)

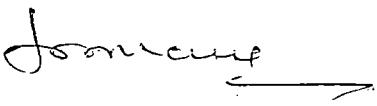
The Review Applicant has sought the review of the judgement dated 7.6.1994 and the case of the applicant was considered on merit. At the time of hearing none appeared for the applicant and the respondents were represented by their lawyer Shri M.K. Gupta. The application under Sec. 19 was filed in March 1990 and the applicant in O.A. has prayed that the scale of the Biological Assistant ~~be reviewed~~ be revised to Rs. 550-900 instead of the present scale of pay of Rs. 425-700 with effect from 1.1.1973 and he also claims payment of arrears. The applicant has worked on the post till

31.8.1989. He was working under the National Zoological Park, New Delhi. The application has been dismissed as barred by delay and laches and barred by time.

2. The learned counsel for the Review Applicant has mentioned certain authorities in the ground pointing out that if the benefit has been given to similarly situated persons by an earlier judgement, then all such persons similarly situated should also be given the same benefit. However, the law helps those who are vigilant and not indolent. A similar case came before the Hon'ble Supreme Court in the case of Bhup Singh reported in ATR 1992(2) SC 278. In this case the Hon'ble Supreme Court refused the relief because of inordinate and unexpected delay or laches and there was no cogent explanation of such abnormal delay and the relief was refused though a similarly situated person Shri Dharam Pal was earlier allowed relief on the basis of the judgement of Delhi High Court by the Central Administrative Tribunal Principal ^{Delhi} Bench and the SLP by Union Territory against the aforesaid judgement of Shri Dharam Pal was rejected as reported in ATR 1990(2) SC 649. The applicant has to be cautious regarding assailing his grievances and he wants relief from 1973 though the Tribunal cannot decide the issue arising on the basis of the cause of action earlier to November 1982. The application, therefore, has been

rightly disposed of and there is no error on the face of the judgement. The Review Application, therefore, is dismissed as devoid of merit.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)