

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

(8)

OA No.2906 of 1991 decided on 2nd July, 1997.

Ms Urmila ...Applicant
(By Advocate : Mrs. S.T. Siddique)

Vs

Union of India & Ors. ...Respondents
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Hon'ble Mr. N. Sahu, Member(A)

1. To be referred to the Reporter or not? YES/NO
2. Whether to be circulated to other Benches of the Tribunal? YES/NO

Narain Sahu
(N.SAHU)
Member(A)

Central Administrative Tribunal
Principal Bench
New Delhi

(9)

OA 2906 of 1991

New Delhi this the 2nd day of July 1991.

Hon'ble Mr N. Sahu, Member (A)

Ms Urmila
D/o Mr Gagan Nath
Casual worker (terminated)
Staff Selection Commission
Block No.12, CGO Complex
New Delhi.
R/o T-650-H-1-B
Baljit Nagar
New Delhi.

...Applicant.

(By advocate: Mrs S.T.Siddique)

Versus

Union of India through

1. Secretary
Dept. of Personnel & Training
North Block
New Delhi.

2. The Staff Selection Commission
through its Chairman
Block No.12, CGO Complex
New Delhi.

...Respondents.

(By advocate: None)

O R D E R

Hon'ble Mr N. Sahu, Member (A)

The applicant was appointed as a casual labourer under respondent No.2, the Staff Selection Commission in November 1980 whereafter she worked continuously till 1985. She was disengaged in 1985 on the ground that there was no work for her. On the ground that she came to know in October 1991 about the engagement of other casual labourers from 1988 onwards on the basis of court's judgements, she filed this petition on 26th November 1991 after a delay of more than six and half years. Respondents' counsel argued that this is a belated case and is hit by limitation. Respondents cited the following decisions:

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(i). C.N. Loknathan Vs. UOI

1989 (9) ATC 61

(ii) P.L. Shah Vs. UOI

1989 (2) SCJ (SC) 49

(iii) S.S. Rathod Vs. State of M.P.

AIR 1990 SC 10

2. I have carefully considered the submissions of the learned counsel for the applicant. I am of the view that this application cannot be entertained as it is barred by limitation. The Supreme Court has observed that a person who loses his remedy in law loses his rights as well. Delay itself deprives a person of his remedy available in law. In Bhoop Singh V. UOI JT 1992 (3) SC 322, the applicant claimed that he was similarly situated as other police constables of Delhi Armed Service. His services were terminated on account of his participation in a mass agitation on 14.4.1976. A writ petition preferred by the said applicant and other constables was allowed by the Delhi High Court and by the Principal Bench of the Tribunal. However, the appeal preferred on the order of the Principal Bench had been dismissed. The Hon'ble Supreme Court on a detailed analysis of the facts rejected the claim to grant relief of reinstatement as granted to similarly placed other constables and held that unexplained delay was sufficient reason to refuse to grant relief and it would be inequitable and violative of the provisions of Article 14. In Ramachandra Samanta & Others V. UOI & Others 1994 (L&S) 182, the Supreme Court refused to condone the delay. The provisions of Section 21 are complete in themselves. There

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are more rigorous than the provisions under the Limitation Act. No doubt, Section 21 (3) contains provisions for condonation of delay if valid and satisfactory explanation was given for the delay. I do not find any satisfactory explanation for this inordinate delay of six and half years. CAT, Madras Bench in Saravana Bhavan and 19 others Vs. UOI OA 1380/93 judgement dated 13.11.94 held that decisions in similar cases cannot give a fresh cause of action and the period of limitation must be counted from the date the cause of action arose. In the case of Jacob Abraham & others Vs. UOI & Others OA 943/93 a full Bench of Ernakulam Bench of CAT vide its order dated 1.7.94 had reiterated the well settled principle that other decisions in similar cases cannot give a fresh cause of action and the period of limitation must be counted from the date the cause of action arose. The Full Bench observed that the burden of proof to show that there are satisfactory reasons for the delay is on the applicant. They referred to Bhoop Singh's case wherein the Apex Court observed that inordinate and unexplained delay or latches in itself is a ground to refuse the relief to the petitioner irrespective of the merits of the claim.

3. In view of the above discussion, I find no justifiable reason for the delay in filing the OA. OA is dismissed on the ground of limitation.

Narayan Sahai
2-7-97
(N. SAHU)
Member (A)

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