

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2518/2004

New Delhi, this the 6<sup>th</sup> day of December, 2004

Hon'ble Shri S.K. Naik, Member(A)

Kuldeep Kumar Sharma  
Vill. & Post Lainer  
Distt. Bulandshaher, UP

Applicant

(Shri A.K.Mishra, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Urban Development  
Nirman Bhavan, New Delhi
2. Director of Printing  
Nirman Bhavan, New Delhi
3. Manager  
Govt. of India Press  
Minto Road, New Delhi

Respondents

ORDER(oral)

The applicant Shri Kuldeep Kumar Sharma has filed this OA No.2518/2004 on 7<sup>th</sup> October, 2004 seeking relief in the form of a direction to be given to the respondents to engage him in service with full backwages alongwith other consequential benefits.

2. The gist of the averments made in the OA is that the applicant was engaged on daily wages with effect from 10.2.1986 but Respondent No.3 terminated his engagement from 24.11.1997 illegally and arbitrarily without any notice etc.

3. When the matter was taken up on 14<sup>th</sup> August, 2004 the Tribunal had observed that there has been a delay of seven years in filing this OA. On being pointed out that no application for condonation of delay has been filed, learned counsel for the applicant prayed for four weeks time to file an MA for condonation of delay. Applicant thereafter has filed MA 2417/29004 for the condonation of delay. I have heard the learned counsel for the applicant. He has contended that after illegal and arbitrary termination in the year 1997, applicant made various representations before the respondents for reinstatement in service but did not receive any response thereto. He has also stated that the applicant approached respondents several times but was advised to apply for a post when the vacancies are advertised. He further contends that respondents had assured him that he <sup>would</sup> be given the benefit of his experience and regularize him. It was because of this

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assurance that he applied for the post advertised during 1999 but he was never called for interview. He finally issued legal notice through his counsel on 10<sup>th</sup> March, 2003 which also remains unreplied. Learned counsel further submits that being a poor person, the applicant was unaware of the legal procedure and he could <sup>not</sup> file OA earlier and the delay be condoned.

4. I have considered the submission made by the learned counsel for the applicant. Admittedly, the cause of action arose in the year 1997 when the applicant's services were terminated. He has not placed on record any representation that he had made to the respondents subsequently. Approaching respondents <sup>orally</sup> repeatedly will not protect his interest. In fact, perusal of the order at page 35 of the paper book indicates that when the Secretary of the Management Committee of the Canteen made a proposal for extension of engagement of the period of casual workers, it has been rejected stating therein that recruitment rules of canteen employees have been received and that necessary action has already been taken to recruit staff as per the R/Rules. If the post was subsequently advertised and applicant had applied in response thereto, he should have challenged any selection in time. As per his own version, the post advertised was in 1999 and it is too late in the day for him to say that he was not called for interview. The matter is badly hit by delay and laches and the contentions raised by the learned counsel for the applicant do not satisfactorily explain such a long delay. Resultantly, the OA is dismissed as being hit by laches and delay.

S.K. Naik  
(S.K. Naik)  
Member(A)

/gtv/