

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2036/92
M.P. NO. 2280/93

DECIDED ON : 21.10.1993

1. Lal Babu Singh
2. Munnu Singh

... Petitioners

VS.

Union of India through the
Secretary, Ministry of Home
Affairs & Others

... Respondents

CORAM :

THE HON'BLE MR. JUSTICE V. S. MALIMATH, CHAIRMAN
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Shri G. D. Gupta, Counsel for Petitioners
Shri Ashok Kashyap, Counsel for Respondents

O R D E R (ORAL)
(Hon'ble Mr. Justice V. S. Malimath)

This petition by Lal Babu Singh and Munnu Singh is covered by the judgment of the Tribunal rendered in O.A. No. 640/86 decided on 22.8.1990. On a review petition having been filed, the said judgment was further clarified. The main order as well as the review orders were challenged before the Supreme Court in SLPs (C) No. 5018/91 and 5611/91 both of which came to be dismissed, the last order in this behalf having been passed by the Supreme Court on 7.1.1992. The petitioners who were similarly situate, made a representation to the authorities on 16.6.1992 to extend the benefit of the said judgments to them as well. As there was no response to their request, they have approached the Tribunal with this application filed in August, 1992. On merits, there cannot be any doubt that the matter stands fully concluded by the aforesaid judgment of the Tribunal.

There is, however, a grievance made by the respondents about the petitioners having approached this Tribunal for relief quite belatedly. It is possible to say that the petitioners have come quite belatedly. At the same time, the petitioners point out that the respondents as modal employer ought to have themselves extended the benefit of the judgment of the Tribunal to the petitioners as they were similarly situate in every respect. Thus, we find that there is something which can be said in favour of both the sides. We are conscious of the fact that as this case relates to recruitment to the cadre of Police Constables, it is bound to affect the rights and interests of others who have got inducted in the meanwhile. There is also a possibility of there being no vacancies in which the petitioners can be accommodated without the required number of incumbents being required to be removed or assigned revised rankings. The petitioners' counsel submitted that some leniency should be shown having regard to the facts of this case particularly on the ground that the petitioners moved the authorities within about five months after the matter achieved finality with the final disposal of the case by the Supreme Court. Be that as it may, we are inclined to take the view that there has been inordinate delay on the part of the petitioners in approaching this Tribunal for relief. Our first response to the argument of the learned counsel for the petitioners was not to interfere having regard to the delay. But on further consideration, we felt that as others similarly situate who came belatedly have been given relief in O.A. 2280/92 on 13.1.1993, we persuaded ourselves to show indulgence to the petitioners.

W We would like to make it clear that this order

should not give rise to further similar claims. We would also like to say that any petition filed after the present petition was filed on 5.8.1992 must be regarded as highly belated not meriting interreference at the hands of the Tribunal. We make this position clear to avoid multiplication of such cases thereby causing undue interference with the administration which is not called for, having regard to the inordinate delay on the part of the persons concerned in approaching the Tribunal for relief.

2. After having expressed ourselves in regard to the delay so far as this petition is concerned, we dispose it of with the following directions :-

- (1) The petitioners shall be subjected to medical examination and if they are found medically fit and suitable now, they having already been selected, they shall be given orders of appointment. As they were within the age limit when they were selected earlier, that they would be over-aged on the date of appointment, would not be a factor for consideration.
- (2) The petitioners shall be accommodated on their appointment in the earliest available vacancies.
- (3) The petitioners shall be entitled to claim seniority in the cadre of Police Constables only from the date of their appointment in pursuance of these directions.

3. Expeditious steps shall be taken for implementing these directions. No costs.

Amfolge
(S. R. Adige)
Member (A)

Malimath
(V. S. Malimath)
Chairman