

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A.No.3065 of 1992

New Delhi this 25th March, 1994.

(14)

CORAM:

Hon'ble Mr.S.R.Adige, Member(A)

Hon'ble Mr.B.S.Hegde, Member(J)

Brahm Pal Singh
s/o Shri Hukum Singh,
Vill. & P.O.Mavikalan
Distt. Meerut.
UP

By Advocate Shri J.P.Verghese
along with Shri M.P.Raju

.....Applicant!

Versus

1. Delhi Administration through
its Chief Secretary,
Old Secretariat,
Rajpur Road,
Delhi.

2. Commissioner of Police
Police Head Quarters,
I.P.Estate,
New Delhi -110002.

By Advocate Shri O.N.TrishalRespondents

JUDGMENT

By Hon'ble Mr.S.R.Adige, Member(A)

In this application, Shri Brahm Pal Singh has impugned the order dated 29.10.87(Annexure-1), rejecting his candidature for the post of Constable in Delhi Police.

2. According to the applicant, in pursuance to an advertisement and after applying for the post, he was selected for appointment as Constable after fulfilling all the requisite qualifications and prescribed eligibility criteria. He states that he was recruited under Rule 9 of the Delhi Police

(15)

(Appointment & Recruitment) Rules, 1990. The cancellation of his candidature purportedly under Rule 5(i) of Central Civil Services (Temporary Service) Rules, 1965, on the ground that he had managed to obtain appointment by adopting deceitful means was bad in law. In this connection, the applicant contends that this Tribunal in O.A. No. 222/88 'Manoj Kumar & others Vs. Union of India & others and O.A. No. 496/89 'Subodh Kumar & others Vs. Union of India had quashed the order of termination whereby the applicants' services were terminated under rule 5(i) of the CCS(TS) Rules, 1965, and the present application has also force with those cases.

3. The respondents have challenged this O.A. in their counter affidavit and they have denied that any termination order was passed. They contend that by the impugned order the very candidature of the applicant for the post of Constable was cancelled and as the applicant did not hold any post nor was he member of any service, he could not invoke the jurisdiction of this Tribunal. On the point of fact, the respondents contend that the applicant had submitted an application form along with other documents for the post of Constable. One of the conditions of recruitment was that the applicant had to be registered in the Employment Exchange Office on or before 11.4.87 which was the date of special recruitment to be held at Saharanpur and 15.4.87 which was the date of special recruitment to be held at Rampur (U.P.). The applicant qualified all the tests for the post of Constable but on scrutiny of registration card, it was found that he had tampered with the date of registration entered therein. The actual date of registration with the

(16)

Employment Exchange was 11.5.87 which had been interpolated as 11.3.87 to make him eligible for consideration. Hence he was not allowed to join the Delhi Police and his candidature was cancelled vide impugned order dated 29.10.87.

4. At the outset we notice that the impugned order dated 29.10.87 whereas this application was filed on 9.11.92, i.e. after a lapse of more than five years. A Misc. petition for condonation of delay has been filed in which the main ground urged is that there were similar petitions pending in the Tribunal and the applicant was awaiting the results of those cases before filing this O.A. It is manifest that this application is time barred and is hit by limitation. We are not satisfied that the applicant has shown sufficient cause for not filing this application within the period of limitation. The ground taken by the applicant that he was awaiting for the results of the other applications, before filing this O.A., can hardly be construed as sufficient cause for not making the application within the period of limitation. We are of the view that the ratio laid down in the case 'Bhoop Singh Vs. Union of India' reproduced in J.T. 1992(3) SC 322, fully applies in this case, wherein their Lordships of Hon'ble Supreme Court have been pleased to hold that the judgment and orders of the Court in other cases do not give cause of action, and the cause of action has to be reckoned from the actual date.

5. In the result, on the short ground that

(17)

this application is barred by limitation, we dismiss
the same. No costs.

B.S.Hedge
(B.S.HEDGE)
MEMBER(J)

S.R.Adige
(S.R.ADIGE)
MEMBER(A)

/ug/