

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

MP No.1457/93 &
OA No.1089/93

Date of decision: 20.5.93

Sh. Ishwar Singh ... Applicant

vs.

CORAM:THE HON'BLE SH.J.P.SHARMA, MEMBER(J)
THE HON'BLE SH.S.B.ADIGE, MEMBER(A)

For the Applicant ... Sh.G.Parakin, proxy
counsel for Sh.J.P.Verghese, counsel.

JUDGEMENT

(BY HON'BLE SH. J. P. SHARMA, MEMBER (J))

The applicant is aggrieved by the order of his termination dated 19.4.67 by which his services as Constable in Delhi Police were terminated under Rule 5 of the Central Civil/(Temporary Service) Rules, 1965. The applicant has prayed for grant of the relief that the aforesaid order of termination dated 19.4.67 be quashed as being illegal and void and the respondents be directed to reinstate the applicant in service.

2. Along with this OA, the applicant has moved MP No.1457/93 for condonation of delay.

3. We have heard the learned counsel for the applicant both on the MP and the OA. In the Misc.Petition, / the applicant has referred to certain authorities of the Supreme Court. The crux of the matter as highlighted in the MP is that the applicant was waiting the result of similar cases filed by his other colleagues and when the cases were finally decided by the Supreme Court, he filed the present OA. This is not

substantial and reasonable cause to condone the delay. We find that the applicant has taken the stand that the Delhi High Court in Writ Petition No.2751/83 issued rule Nisi in favour of the petitioners in the Writ Petition. All these judgements do not help the case of the applicant. The matter has been recently considered by the Hon'ble Supreme Court in the case of **BHOOP SINGH VS.U.O.I (JT 1992 (3) SC 322)** in which a similar situated Constable whose services were terminated by the same impugned order, their lordships have held as follows:-

"7. It is expected of a Government servant who has a legitimate claim to approach the Court for the relief he seeks within a reasonable period, assuming no fixed period of limitation applies.

8. There is another aspect of the matter. Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief. This is more so in service matters where vacancies are required to be filled promptly. A person cannot be permitted to challenge the termination of his service after a period of twenty-two years, without any cogent explanation for the inordinate delay, merely because others similarly dismissed had been reinstated as a result of their earlier petitions being allowed."

The present OA is, therefore, hopelessly barred by time. The OA is also beyond the jurisdiction of the Tribunal as the cause of action has arisen three years before coming into force of the Administrative Tribunals Act, i.e. 1.11.85.

4. The application is, therefore, dismissed as the admission stage itself as barred by limitation as well as devoid of merit.

No costs.

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

Sharma
(J.P. SHARMA)
MEMBER(J) 21.5.93

SNS