

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.27 OF 2005
ALLAHABAD THIS THE 19TH DAY OF JANUARY,2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUHAN, MEMBER-A

1. Chandra Kishore S/o Dwarika Prasad, aged about 45 years, R/o 105/347, Chamanganj, Kanpur.
2. Sant Lal S/o Kalloo Ram, aged about 44 years, R/o 103/169, Colonelganj, Kanpur.
3. Ram Nath S/o Ghasitey, aged about 46 years, R/o B-195, Vishwa Bank Colony, Barra, Kanpur.
4. Sita Ram Verma S/o Raj Kumar, aged about 44 years, R/o Village and P.O. Beohar, Bilkapur, Kanpur.
5. Raj Kumar S/o Gokul, aged about 44 years, R/o 105/315, Chamanganj, Kanpur.
6. Birendra Singh, S/o Darshan Singh, aged about 45 years, R/o 86/14, Deputy Ka Parao, Kanpur.
7. Om Prakash Dheeman S/o Bachchoo Lal, aged about 45 years, R/o K-1/175, Vishwa Bank Colony Barra, Kanpur.
8. Devi Prasad S/o Baboo Lal, aged about 43 years, R/o 117/219, L-Block, Naveen Nagar, Kakadeo, Kanpur.
9. Khube Lal S/o Kanhai Singh, aged about 50 years, R/o 108/263, Colonelganj, Kanpur.
10. Sohan Lal, S/o Brij Lal, aged about 46 years, R/o 103/250, Colonelganj, Kanpur.

(By Advocate Sri Munoo Lal)

1. Union of India,
through the Secretary,
Ministry of Defence Production, New Delhi.
- 2: General Manager, Ordnance Parachute Factory,
Napier Road, Kanpur.

. Respondents

(By Advocate Shri Saumitra Singh)

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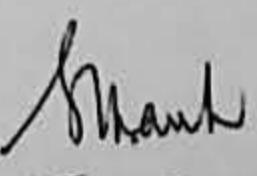
HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

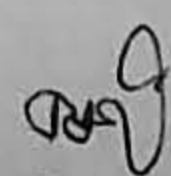
The applicants, instituted O.A. No.1116/04 for issuance of a direction to the respondents to consider them for appointment to the post of Tailor. The case of the applicant as set up in the O.A., was that they were selected and empanelled for appointment but the panel could not be implemented due to the ban. The panel was prepared in the year 1985. The O.A. No.1116/04 was decided vide order dated 27.09.2004 with a direction to the respondent no.2 to consider and decide the applicants' joint representations dated 05.07.2004 by passing a reasoned and speaking order. Respondents have considered the representations and held that the applicants had no indefeasible right to be appointed on the basis of the 1985 panel. The representations has been disposed of by order dated 18.12.2004, a copy of which has been annexed as Annexure A-1. Apart from holding that the applicants had no right to be appointed on the basis of 1985 selection, the competent authority has also held that the applicants have lost their right, if any, due to delay and laches. The applicants' case that certain persons, who were in the panel, have been considered and appointed, has also been dealt with by the competent authority in its order dated 18.12.2004 wherein it has been held that the cases of Shri Shambhoo Narain, Prem Singh, M.K.Bajpai, Baliram and S.C. Sachdeva were considered on the basis of order passed by the Central
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Administrative Tribunal in O.A. No.1022/90 whereas the applicant has been sleeping over the matter and did not approach the Tribunal/Court for proper relief within reasonable period. It is well settled that the delay not only defeats the remedy but destroys the right. The panel of 1985 cannot survive for such a long time, and giving effect to the panel of 1985 may lead to violation of right to equality guaranteed by articles 14 and 16 of the Constitution of India. The decision of the Apex Court in A.P. Aggarwal Vs. Govt. of NCT of Delhi and Another 2000 SCC (L&S) 206 is not applicable to the facts of the present case. The controversy in that case was in respect of a fresh selection process. The facts of the case on hand are quite different from those of the above noted case. The competent authority has also held in its order dated 18.12.2004 that the ban imposed on the panel is still in force. Order dated 18.12.2004 is not specifically impugned in this application. In the facts situation of the case, therefore, the applicants are not entitled to the reliefs claimed herein.

2. Accordingly, the O.A. is dismissed. No Costs.


Member-A


Vice-Chairman

/ns/