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O.A.NO.878 OF 2006

ORDER DATED 16.03.07

Heard Mr.P.K.Nayak,Ld.Counsel for the Applicant and Mr.S.K.Ojha,Ld.Standing Counsel for the Respondents; on whom a copy of this O.A. has been served.

2. In this case applicant's father joined service in 1934 and retired in 1971. In 1977 a letter had been written by Divl.Supdt.(P)/KUR to re-engage the retrenched employees. On 01.06.1977 District Engineer has given a letter not to give appointment due to lack of vacancies. On 18.4.1983 applicant has submitted representation regarding his re-appointment. He was engaged for a short period of time from 21.7.1990 to 28.8.1990. After his discharge from work in 1990 he has not been engaged. Hence between 1990 and 2006 i.e., date of filing of O.A. there is gap of 16 years. Such a belated application is not entertainable in view of the judgement of the Hon'ble Apex Court in the case of National Hydroelectric Power Corp.& another vrs. Nanak Chand & another reported in 2005 SCC(L&S)357 and Hon'ble High Court of Punjab & Haryana's decision in the case of Sona Devi & another vrs. State of Haryana & Ors.,2005(4)SLR770.

3. Besides even if the delay is condoned, the applicant has no case for employment on compassionate ground for he having approached this Tribunal after long lapse of time to say about 16 years in view

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of the decision of the Hon'ble supreme Court in the case of State of J&K and Ors vrs. Sajad Ahmad Mir, 2006 SCC(L&S)1195; especially when according to the Applicant he is aged about 48 years.

4. Viewed the matter in any angle, we do not find any merit even to issue notice to the Respondents. Therefore this O.A. stands dismissed in-limine as time barred.

5. Send copies of this order along with copies of the O.A to the Respondents and free copies of this order be given to the Counsel for both the parties.

BBM
MEMBER(ADMN.)

Ldr
VICE-CHAIRMAN