

3

O.A. No. 391/08

ORDER DATED 24th NOVEMBER, 2008

Coram:

Hon'ble Shri A.K. Gaur, Member (J)

Hon'ble Shri C.R. Mohapatra, Member (A)

Heard Mr. P.C. Pradhan, Ld. Counsel for the applicant and Mr. S.K. Ojha, Ld. Standing Counsel for the Respondents.

2. This Original Application has been filed by the applicant challenging the inaction of the Respondents in not considering his case for appointment as well as other persons, who had appeared at the recruitment test held in the year 1991-1992 in pursuance of the Notice dated 13.08.1990, in Group-D Category of posts within the stipulated date after publishing the result of recruitment test.

3. Mr. P.C. Pradhan, Ld. Counsel for the applicant argued that the Respondents have not considered the case of the applicant in the light of the order dated 16/20.04.2004 passed by this Tribunal in O.A. No.520 of 2001. His case has also not been considered in accordance with law. Accordingly, he preferred representation dated 09.06.2006 and approached this Tribunal in 2008.

✓

4. Mr. S.K. Ojha, Ld. Standing Counsel for the Respondents has raised objection that this Original Application is time barred.

5. Having heard Ld. Counsel for the parties and after having carefully perused the records, we are of the considered view that this O.A is time barred in as much as this Tribunal had disposed of O.A. No.511/94 on 04.01.99. Aggrieved by the decision of this Tribunal in O.A No.511 of 1994, the applicants approached the Hon'ble High Court of Orissa vide OJC No.6140/99. The aforesaid writ application has been dismissed on 05.07.2001. In 2001 the applicants had filed O.A No.520/01 and this Tribunal in order dated 16/20.04.2004 disposed of the aforesaid Original Application and issued certain direction. The applicant made representation in 2006 and approached this Tribunal in 2008. We are of the view that this Original Application is not maintainable in view of the Hon'ble Supreme Court's decision reported in 2000 SCC (L&S) 53 R.C. Sharma Vrs. Union of India & Others.

6. With the above observation, this Original Application is dismissed as it suffers from delay and latches.


(C.R. MOHAPATRA)
ADMINISTRATIVE MEMBER


(A.K. GAUR)
JUDICIAL MEMBER