

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:1003/98

DATE OF DECISION: 5.2.2001.

Shri Chinnasamy Kalia Murthy Applicant.

Shri B. Ranganathan Advocate for  
Applicant.

Versus

Union of India and others. Respondents.

Shri V.S. Masurkar Advocate for  
Respondents

CORAM

Hon'ble Shri B.N. Bahadur, Member (J)

Hon'ble Shri S.L. Jain, Member (A)

(1) To be referred to the Reporter or not? Yes

(2) Whether it needs to be circulated to No other Benches of the Tribunal?

(3) Library. No

(B.N. Bahadur)  
Member (A)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 1003/98

MONDAY the 5th day of FEBRUARY 2001.

CORAM: Hon'ble Shri B.N. Bahadur, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

Chinnasamy Kalia Murthy  
Office of the Quarantine  
Officer, Animal Quarantine and  
Certification Service Station,  
Cargo Satellite, Mumbai. .... Applicant.

By Advocate Shri B. Ranganathan.

V/s

1. Union of India through  
The Secretary,  
Ministry of Agriculture and  
Rural Development,  
Government of India,  
Department of Animal  
Husbandry and Dairying  
Krishi Bhavan, New Delhi.
2. Quarantine Officer  
Animal Quarantine and  
Certification Service  
Station, Velachery Main  
Road, Pallikaranai, Chennai.
3. K.O. Jacob  
Office of the Quarantine  
Officer, Animal Quarantine  
Officer, Animal Quarantine  
and Certification Service  
Station, Velachery Main Road,  
Pallikaranai, Chennai. .... Respondents.

By Advocate Shri V.S. Masurkar.

ORDER (ORAL)

{Per Shri B.N. Bahadur, Member (A)}

This is an application by Shri Chinnasamy Kalia Murthy, seeking the relief, in substance, for a declaration that the applicant is entitled to be considered for promotion to the post of UDC vis-a-vis his junior i.e. Respondent No. 3 and that he be granted proper slot in the seniority list thereof.

b/s

....2...

2. We have considered the facts in the case, and have heard Shri B Ranganathan and Shri V.S. Masurkar for the respective sides, at some length. Since the matter lies in a short compass, this case was taken up and disposed of at the admission stage itself.

3. A preliminary point has been taken by respondents regarding delay and laches. The Learned counsel for the Respondents reiterated this point. Both the counsel were heard, therefore on this issue first.

4. The first point made was that although the matter is of 1987, the cause of action comes up for the Applicant, only in the year 1992, when the Applicant has been informed by the Government of India that the Ex-post-facto approval to the post of Clerk-cum-Typist with effect from 4.6.1982. (Shri Masurkar responded that even if it is assumed that it is correct, the application is hit by law of limitation of inordinate delay and laches).

5. The Learned counsel for the Applicant, Shri Ranganathan agreed that there is delay and sought to meet the point by stating that representations were being made. The Applicant had filed an OA before the Tribunal in 1995, but a communication was received by him dated 19.1.1995 (copy at page 85 of the paper book) to the effect that the application was in old format which is not acceptable, and that the application should be filed in new format. Admittedly, even after this the Applicant took no



action and filed this application, years later, only on 11.9.1998. Hence the points brought out regarding the 1995 application does not save him from being hit by the law of limitation, delay and laches. (Applicant) *has*

6. Shri Ranganathan pleaded that it was for the interest of substantial justice that delay and laches be condoned. At the same time no M.P. had been filed for condonation of delay. Even considering the facts of the case and the arguments made by Shri Ranganathan, we cannot come to the conclusion that there is sufficient evidence or reason to justify the condonation of delay.

7. The Hon'ble Apex Court had laid down the law regarding the treatment of such case of delay and laches in several cases and it has also been settled in the case of Ramesh Chand Sharma V/s Udhamp Singh Kamal and others {2000 SCC (L&S) 53} that a case should not be considered on merits when there is no application for condonation of delay.

8. Be as it may, there are no grounds in the case for condonation of delay. The delay is not of short period, but of long years, admittedly, at least since 1992. Hence this Tribunal sees no reason for condoning the delay and comes to the conclusion that the case is hit by law of limitation ~~of~~ *has* delay and laches and deserves to be dismissed on this count alone.

9. As a consequence, the OA is hereby dismissed. No order as to costs.

*S.L.Jain*  
(S.L.Jain)  
Member(J)

NS

*B.N.Bahadur*  
(B.N.Bahadur)  
Member(A)