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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

R.A.No.55/97

(R.A.S.R.No.1145/97)

Date of disposal: 29-7-1997.

Between:

K. Joseph .. Review Petitioner.

And

1. The Employees State Insurance Corporation, New Delhi, represented by the Director General.
2. The Regional Director, Regional Office, Employees State Insurance Corporation, H.No.5-9-23, Hill Fort Road, Hyderabad - 500 463.
3. The Director, Scheduled Castes and Scheduled Tribes National Commissioner for SC & STs., Govt. of India, H.No.6-3-788/A/22, Durganagar Colony, Ameerpet, Hyderabad, A.P.

Respondents.

Counsel for the Petitioner/applicant: Mr. Phaniraj for Mr. Meherchand Noori

Counsel for respondents: Sri N.R.Devaraj, Sr. Standing counsel for respondents.

CORAM:

HON'BLE SHRI H. Rajendra Prasad, Member (A)

Hon'ble Shri B.S. Jai Parameshwar, Member (J)

JUDGMENT

Heard Mr. Phaniraj for Mr. Meherchand Noori on behalf of the applicant and Mr. Devaraj on behalf of the respondents.

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2. After hearing the learned counsels for the parties, it is decided to reopen the case and to review the Order passed on 30-9-1996 in O.A.No.1048/96.

3. The prayer of the applicant is to promote him to U.D.C., in a slot earmarked for SC/STS in the Limited Recruitment Quota, against a vacancy which was available in 1985 with consequential benefits.

On 3-9-1996, it was submitted on behalf of the applicant that he intended to implead some additional respondents in the case. This request was duly allowed. No steps taken to implead any additional respondents were, however, even up to the stage of final disposal of the O.A., towards the end of September, 1996.

4. The relief sought by the applicant relates to the year, 1985 whereas the O.A., itself was filed on 15-7-1996. Although the Regional Director, Andhra Pradesh Employees' State Insurance Corporation, thought it fit to give a reply to the applicant by his letter No. 52.A/20/11/838/01-Estt.1 dated 13-6-1996, the responses to the questions involved in the case related and basically to a much earlier period were a mere reiteration of the stand of the same respondent taken as long back as 1986. Considering the fact that much time has elapsed in filing this O.A., and that the applicant has not made out any new ground in support or in extenuation of this delay, of his case, it has to be held that the claim of the applicant is barred by limitation and laches.

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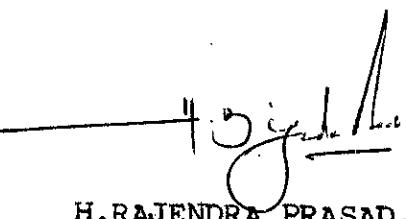
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The applicant has been duly promoted in 1989. Even the prayer of the applicant for a notional benefit with retrospective effect would still take the case back to the same year, 1985. It has not been explained in the O.A. why such unconscionable delay has occurred in filing the case. It is not possible to overlook or accept the inordinately unexplained delay that has taken place in filing the O.A. We are not, therefore, inclined to allow the claim by re-opening the facts because the events relating thereto occurred 11 years prior to the filing of the case.

5. The O.A., is dismissed on grounds of latches and limitation.


B.S.JAI PARAMESHWAR,

29.7.97 MEMBER (J)

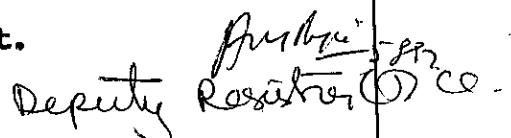

H.RAJENDRA PRASAD,

MEMBER (A)

29 JUL 97

Date: 29-7-1997.

Dictated in open Court.


Deputy Registrar (O.C.)

sss.

¶ R.A.55/97
O.A.1048/96.

To

1. The Director General, Employees State Insurance Corporation, New Delhi.
2. The Regional Director, Regional Office, Employees State Insurance Corporation, H.No. 5-9-23, Hill Fort Road, Hyderabad-463.
3. The Director, Scheduled Castes and Scheduled Tribes National Commissioner for SC & STs., Govt.of India, H.Ni.6-3-788/A/ss, Durganagar colony, Ameerpet, Hyderabad.A.P.
4. One copy to Mr.Maherchand Noori, Advocate, CAT.Hyd.
5. One copy to Mr. N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Mr.K.Joseph(Applicant) Assistant Insurance VI Branch, Regional Office, E.S.I. Corporation, Hyderabad.
7. One spare copy.

pvm.

~~Self~~ ~~11/2/97~~ C COURT

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CHEEKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN
and

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)
The Hon'ble Mr. D.S. Jain Palamkotwali (S)

Dated: 29-7-1997

ORDER/JUDGMENT

M.A./R.A./C.A. NO. 55/97

in
C.A. NO. 1048/96.

T.A. NO. (w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

PVM

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
देशेण/DESPATCH

11 AUG 1997

हैदराबाद न्यायालय
HYDERABAD BENCH