

J A I P U R.

G.A. No. 81/94

Date of decision: 29.4.94

KAMRUDDIN & ORS

: Applicants.

VERSUS

UNION OF INDIA

: Respondents.

Mr. C.P. Premi

: Counsel for the applicants.

Mr. Manish Bhandari

: Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice D.L. Mehta, Vice-Chairman

PER HON'BLE MR. JUSTICE D.L. MEHTA, VICE-CHAIRMAN:

Heard the learned counsel for the applicants.


2. The applicants submitted that since 1973, they were working as Lubrication Assistants/Oilers and they are entitled for the benefit of upgradation w.e.f. 1-12-81. The applicants submit that they made representations and the respondents vide their order issued in 1986 granted the benefit of upgradation from 1984. Thus, according to the applicants, the cause of action accrued to them in 1981 as well as in 1987. They were granted the upgradation w.e.f. 1984 and not from 1.12.81. They submit that their juniors have been granted upgradation w.e.f. 1-12-81 prior to the issuance of the order of 1987. As such, they had to represent to the authorities. Thereafter, they made representations to the authorities again and again.

3. I have gone through the record. Even it is assumed that the cause of action accrued in 1987, there is no reason to file this petition in 1994, i.e. after 7 years. Mr. Premi submits that the Restructure order was received in 1983. This order created the cause of action. He submits that there is a decision of this Bench that Section 21 does not apply as this is a case of unequal treatment. Even it is assumed <sup>though</sup> it may not be correct in the instant case that unequal treatment has taken place, even then the Doctrine of Laches will apply.

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Apart from that, to claim the benefit from 1.12.81 may result in adverse affects on both the persons who have already been upgraded from 1.12.81 and their seniority is likely to be adversely affected. So, it is not a fit case in which any relief can be granted to the applicants.

4. The O.A. is dismissed accordingly, with no order as to costs.

  
( D.L. MEHTA )  
Vice-Chairman