

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING : BILASPUR

Original Application No.593 of 2005

Bilaspur, this the 8th day of March, 2006

Hon'ble Mr. Justice B. Panigrahi, Chairman
Hon'ble Mr. Shankar Prasad, Administrative Member

1. Purushottam Das Mahar, S/o Shri Ram Charan Mahar,
Ex-Casual Gangman, Aged about 42 years,
R/e C/o Shri Balwant Singh, Ward No.14,
Chanra Shekhar Azad Ward, Deori Khurd,
Bilaspur (CG).
2. Sameer Chand Ghosh S/o Shri T.K. Ghosh,
Ex-Casual Gangman, Aged about - years,
14/44, Kranti Nagar, Near Sultania Bhawan,
Bilaspur (CG).
3. Dilip Kumar Dakua, S/o late Panchanan Dakua,
Aged about 34 years, R/o C/o Mukesh Tiwari,
Naya Para, Distt. Raigarh (CG) - APPLICANTS

(By Advocate- Shri S. Paul)

Versus

1. Union of India Through its Secretary,
Ministry of Railway, Railway Board, New Delhi.
2. The General Manager, South Eastern Central
Railway, Bilaspur.
3. The Divisional Railway Manager, South Eastern
Central Railway, Bilaspur.
4. The Sr. Divisional Personnel Officer, South
Eastern Central Railway, Bilaspur - RESPONDENTS

(By Advocate- Shri K.M. Ansari)

O R D E R

By Justice B. Panigrahi, Chairman.-

In this case the applicants have sought the benefit of earlier judgments delivered by this Tribunal in OAs 27/99, 323/99 and 364/2001.

2. The applicants were working as Casual Labourers with the respondent-department. Their services were terminated vide order dated 14.2.1990. Being aggrieved by the aforesaid order of termination, some other

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employees filed OA No.357/1991 before this Tribunal and in the said case this Tribunal while quashing the order of termination directed the respondent-authorities for their reinstatement and also asked the authorities to hold a fresh enquiry in the matter. The applicants in the aforesaid case submitted their representation, but such representation did not yield any result other than their dismissal. They again filed a case before this Tribunal by filing a contempt application. Subsequently they filed another batch of OAs being OA 27/1999 and 323/1999, and this Tribunal vide separate orders of even date i.e.10.12.2003, set aside the termination orders and directed the respondents to reinstate them with back wages.

argument of

3. The main thrust of Mr. Paul, learned counsel appearing for the applicants, is that the benefit, which the other co-applicants got by virtue of various judgments, should be extended to the applicants, and that there is a matter of serious discrimination between the two sets of employees working under the same respondents.

4. While appreciating the contention of the learned counsel appearing for the applicants, we find that a similarly placed employee, whose services were also terminated in the year 1990 had questioned the propriety of the order of termination by filing OA No.1152 of 2004 and this Tribunal vide order dated 17.8.2005 has dismissed the said OA, on the basis of the ratio of the judgment of Hon'ble Supreme Court in the case of Bhoop Singh Vs. Union of India and others, (1992)3 SCC 136. In the case of Bhoop Singh, it was observed that the applicant cannot take any benefit of the orders passed by any Tribunal or any other Court filed by similarly situated employees, since he was not a party nor did he take any steps to get himself impleaded in the earlier case. In Bhoop Singh's case (supra) the Hon'ble Supreme Court has held as under:

"in absence of any convincing explanation such highly belated claim rightly rejected by Tribunal. - Ground

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of discrimination consequent upon refusal to grant the relief cannot stand where the claimant himself is indolent unlike his co-employees and therefore cannot be classified with the co-employees since non-discrimination under Art.14 is based on equitable principle- Inordinate and unexplained delay is itself a ground to refuse the relief - Grant of reinstatement after a long lapse of time will have its impact on the administrative set up and other employees".

In the instant case, we find that the applicants were discharged from service in the year 1990. These applicants had never represented immediately after the order of termination nor filed any case before the Tribunal soon thereafter. At such a length of time it would be inappropriate and improper to direct the respondent-authorities to reinstate the applicants in service.

5. Accordingly, we find that there is no merit in this case. The O.A. is dismissed. No costs.

Shankar Prasad
(Shankar Prasad)
Administrative Member

B. Panigrahi
(B. Panigrahi)
Chairman

rkv.

पृष्ठोंकन सं ओ/न्या.....जबलपुर, दि.....
परिचिति/ काये धित:-
(1) सचिव, उ. न्यायालय, जबलपुर
(2) अध्यक्ष, उ. न्यायालय, जबलपुर
(3) प्रवर्तक, उ. न्यायालय, जबलपुर
(4) न्यायाधीश, उ. न्यायालय, जबलपुर
सूचना एवं आवश्यक कार्यवाही हेतु

S. P. V. D. V. 238
K. M. D. S. 214 D. V.
H. C. S. D. S. B

उप निदेश

Filed
16-3-06