

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

TA 24/2015  
(WPC 4186/2015)

Reserved on: 11.10.2017  
Pronounced on: 13.10.2017

**Hon'ble Mrs. Jasmine Ahmed, Member (J)**  
**Hon'ble Mr. Uday Kumar Varma, Member (A)**

Vedu @ Bedoo S/o Shri Thambu Ram  
R/o Village Ahulana Tehsil Gohana  
District Sonapat (Haryana) ... Applicant

(Through Dr. Sukhdev Sharma, Advocate)

Versus

1. Union of India through  
The Secretary to Government,  
Ministry of Defence, North Block,  
Central Secretariat,  
New Delhi
2. The Chief Vigilance Officer,  
Ordnance Factory Board  
10-A, S.K. Bose Road  
Kolkata 700 001 (West Bengal)
3. The Addl. Secretary  
(Ordnance Factories),  
184-B, South Block,  
New Delhi
4. The General Manager,  
Ordnance Factory  
Raipur, Dehradun-248 008  
(Uttarakhand)
5. Chairman,  
Ordnance Factory Co. Op. Credit Society  
Raipur, Dehradun-248008 ... Respondents

(Through Shri Virender Singh, Advocate)

ORDER

Mrs. Jasmine Ahmed, Member (J)

The applicant was appointed as Sweeper in June 1963. He was subsequently deputed to Ordnance Factory Raipur in the year 1966. He was removed from service vide order dated 26.12.1988 being absent from duty unauthorizedly. The applicant preferred an appeal dated 2.01.1989 to the Chairman, Ordnance Factory Board, Kolkata and the said appeal was dismissed vide order dated 11.09.1989, upholding the penalty of removal from service. A copy of the above said order was sent to the applicant vide letter dated 6.10.1989 through Registered A/D post from the Ordnance Factory Board, Kolkata. It is settled proposition that an employee who is removed from service is not entitled to pension and gratuity and the applicant was made the payment of GPF and CGEGIS long back.

2. Leaving behind any other factual position, it is seen that the applicant was removed from service in the year 1988 and his appeal was dismissed in the year 1989. The applicant, after a long span of 12 years, sent a legal notice to the department dated 30.10.2001 and thereafter, he filed a Writ Petition before the Hon'ble High Court of Delhi in the year 2015 bearing W.P. (C) No.4186/2015. The same stood transferred to the Principal Bench of the Tribunal, there being an alternative remedy available before this Bench.

3. The attitude of the applicant is reflected through his actions and deeds that a person who has been removed from service, waited for such a long time of 26 years to seek redressal of his grievances. The Hon'ble Apex Court in various judgments has held that "Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief" [**Shri Bhoop Singh Vs. Union of India and others**, 1992 (3) SCC 136]. The Hon'ble Apex Court has further held in Constitution Bench judgment in **Rattan Chand Samanta Vs. Union of India**, 1994 SCC (L&S) 182 that "delay deprives the person of remedy available in law. A person, who has lost his remedy by lapse of time, loses his right as well."

4. The applicant has prayed for grant of some pensionary benefits but without challenging the removal order and seeking to set aside the same, this prayer is also unwarranted and uncalled for.

5. We find that the applicant has been extremely casual and careless in approaching a judicial forum for redressal of his grievances. Accordingly, we feel that he is not entitled for any relief at such a belated stage. The TA is hopelessly barred by limitation and is, therefore, dismissed.

(Uday Kumar Varma)  
Member (A)

(Jasmine Ahmed)  
Member (J)