

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2775/2014
M.A.No.2377/2014
M.A.No.2378/2014

Wednesday, this the 27th day of September 2017

Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)

1. Shri Manoj Kumar Yadav
s/o Shri Pal Singh Yadav
r/o Quarter No.E-2
DJB Staff Quarters, Aram Bagh
Paharganj, New Delhi – 55
2. Smt. A G Susmitha
w/o Shri K Rajesh Kumar
r/o C-1101, Vijaya Apartment
Ahinsa Kand 2, Indirapuram
UP 201014

..Applicants

(Mr. Ashutosh Dixit, Advocate for Mr. Ashok Agarwal, Advocate)

Versus

1. Delhi Jal Board
Through its Chief Executive Officer
Govt. of NCT of Delhi
Varunalaya Building Phase 2
Karol Bagh, New Delhi – 110 005
2. Shri Anil Mishra
s/o Shri Kuber Prasad
Flat No.102-C, Block C-6A
Janakpuri, Delhi – 58

..Respondents

(Mr. Vishvendra Verma, Advocate for respondent No.1 –
Ms. Kamlakshi Singh Chauhan, Advocate for respondent No.2)

O R D E R (ORAL)

Justice Permod Kohli:

M.A.No.2377/2014

M.A. seeking joining together in a single petition is allowed.

M.A. No.2378/2017

This Application has been filed seeking condonation of delay for unspecified period. In paragraph 2 of the M.A., it is stated that the seniority is a continuing wrong and, therefore, the limitation, as prescribed in the Administrative Tribunals Act, 1985, is not applicable. The other ground taken is that the appointment of respondent No.2 is *void ab initio*, and, therefore, the principle of delay and laches will not be attracted.

2. From the reliefs claimed in the O.A., we find that the applicant has challenged the offer of appointment of respondent No.2 dated 25.07.2007. Apart from that, the applicant has also challenged the final seniority list issued vide circular dated 10.07.2012 (Annexure A-2). The question of seniority is definitely dependent upon the date of appointment of respondent No.2 and thus the validity of seniority cannot be examined in absence of the question of validity of appointment of respondent No.2.

3. From the averments made in the condonation Application, we find that except stating the appointment of respondent No.2 as *void ab initio*, there is no other explanation tendered as to why the applicant waited from 2007 till August 2014 for filing this O.A. The applicant also preferred representations dated 08.08.2013, 08.07.2014 and 30.07.2014, i.e., much beyond the period when respondent No.2 was appointed. Even these representations were made after two years of the circulation of said seniority list. There is absolutely no explanation even for delay in challenging the seniority list. Neither the appointment of respondent No.2 gives a recurring cause of action, nor is the question of seniority a recurring

cause of action. Otherwise also, it is trite that the settled seniority cannot be unsettled with the passage of time. Since there is no explanation tendered in the condonation Application, we are satisfied that the applicant has failed to explain inordinate delay of 7 years of the appointment of respondent No.2 and 2 years of the date of circulation of seniority list. This condonation Application is accordingly dismissed.

4. Since the condonation Application is dismissed, consequently, the O.A. stands dismissed.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

September 27, 2017
/sunil/