

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3305/2015

Tuesday, this the 8th day of September, 2015

Hon'ble Mr. A.K. Bhardwaj, Member (J)

T Saankarnarain, (HQD No.3142) Trade- Lascar,
68 years
s/o Mr. A Raghuvar Nair
SANDRAM (House) Near Telephone Exchange
Kadavath, PO Parali-
Distt. Palakkad – 678612 (Kerala)

..Applicant

(Nemo even on revised call)

Versus

1. Union of India through its Secretary
Ministry of Defence
South Block, New Delhi
2. Assistant Chief of the Air Staff
(Personnel, Civilian & Airmen)
Air HQ, (Vayu Bhavan)
New Delhi
3. Air Officer Commanding
412 Air Force Station
Race Course, New Delhi-3
4. Dy CDA Funds
Meerut

..Respondents

(Mr. Hanu Bhasker, Advocate)

O R D E R (ORAL)

According to the applicant, he was working at Air Force Station, New Delhi till middle of 1979 when his father fell seriously ill and he had to leave Delhi without giving any information to anyone. Prayer made in the Original Application is for issuance of direction to the respondents to grant him pension and other retiral benefits.

2. In response to his representation dated 10.11.2010 made to the Commanding Officer, Civil Administrative Section, Race Course Camp, Air Force Station, New Delhi, he was informed vide order dated 30.12.2010 that no record regarding his employment for the period from 1964 to 1979 was available at the Station.

3. As has been ruled by Hon'ble Supreme Court in **Ratan Chandra Sammanta & others v. Union of India & others**, JT 1993 (3) SC 419, in such cases where the employer is not even able to trace the record in respect of an individual, the petition should be nixed as time barred.

Relevant excerpt of the said judgment reads thus:-

“The representation does not give any detail. It is not mentioned if the scheme was given due publicity or not. No explanation is given as to why the petitioners did not approach till 1990. Nor it is stated if any of the casual labourer. Not it is stated if any of the casual labourer of the project were reemployed or not. It is vague and was lacking in material particulars.

Two questions arise, one, if the petitioners are entitled as a matter of law for reemployment and other if they have lost their right, if any, due to delay. Right of casual labourer employed in projects, to be reemployed in railways has been recognized both by the Railways and this Court. But unfortunately the petitioners did not take any step to enforce their claim before the Railways except sending a vague representation nor did they even care to produce any material to satisfy this Court that they were covered in the scheme framed by the Railways. It was urged by the learned counsel for petitioners that they may be permitted to produce their identify cards etc., before opposite parties who may accept or reject the same after verification. We are afraid it would be too dangerous to permit this exercise. A writ is issued by this Court in favour of a person who has some right. And not for sake of roving enquiry leaving scope for maneuvering. Delay itself deprives a person of his remedy available in law. In absence of any fresh cause of action or any legislation a person who has lost his remedy by lapse of time loses his right as well. From the date of retrenchment if it is assumed to be correct a period of more than 15 years has expired and in case we accept the prayer of petitioner we

would be depriving a host of others who in the meantime have become eligible and are entitled to claim to be employed. We would have been persuaded to take a sympathetic view but in absence of any positive material to establish that these Petitioners were in fact appointed and working as alleged by them it would not be proper exercise of discretion to direct opposite parties to verify the correctness of the statement made by the petitioners that they were employed between 1964 to 1969 and retrenched between 1975 to 1979. The writ petitions accordingly fail and are dismissed. But there shall be no orders as to costs.”

4. Nevertheless, there is no appearance on behalf of the applicant even on the revised call. Original Application is accordingly dismissed in default.

(A.K. Bhardwaj)
Member (J)

September 8, 2015

/sunil/