

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

MA 1901/2015
OA 2102/2015

Reserved on 29.10.2018
Pronounced on 01.11.2018

**Hon'ble Mr. K.N.Shrivastava, Member (A)
Hon'ble Mr. S.N. Terdal, Member (J)**

Ms. Mamta Rani,
W/o Sh. Tarun Sharma,
Age 36 years Fresh Appointment,
R/o B-64, S-2, DLF,
Dilshad Extension-II, Sahibabad,
Ghaziabad-201005. Applicant

(By Advocate: Mr. M.Rais Farooqui)

VERSUS

1. South Delhi Municipal Corporation,
Through its Commissioner,
Dr. Shyama Prasad Mukherjee Civic Centre,
Jawahar Lal Nehru Marg,
Delhi-110002.
2. Delhi Subordinate Services Selection
Board (DSSSB), through its Chairman,
FC-18, Institutional Area, Karkardooma,
Delhi.
3. Govt. of National Capital Territory of Delhi
Through its Chief Secretary,
New Secretariat, I.P. Estate,
New Delhi. Respondents

(By Advocate: Mrs. Anupama Bansal for R-1 and Mr.D.K.Singh for
Ms.Purnima Maheshwari for R-2 & 3)

O R D E R

Mr.S.N.Terdal, Member (J):

Heard Mr.M. Rais Farooqui counsel for applicant and Mrs. Anupama Bansal and Shri D.K.Singh proxy for Ms. Purnima Maheshwari, counsel for respondents, perused the pleadings and all the documents produced by the parties.

2. In OA, the applicant has prayed for the following reliefs:

- "i) extend the ratio of judgment dated 15.11.2011 of Hon'ble High Court of Delhi in Writ Petition (Civil) No. 1641/2011 being extended in several Original Applications by this Hon'ble Tribunal including the order dated 28.3.2014 in OA No. 641/2013, by giving the benefit to the applicant for the age relaxation to the post code no. 165/07 for the appointment of Teacher (Primary).
- ii) direct the respondents to give age relaxation to the applicant and offer her for the appointment of Teacher (Primary) to the post code no. 165/07.
- iii) Any other/further order(s) instruction(s) and direction(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case, may also kindly be passed in favour of the applicant and against the respondents.

3. The relevant facts of the case are that the applicant was engaged as Teacher (Primary) by the Municipal Corporation of Delhi (MCD) on contract basis from 12.01.2004. While working as such advertisement was issued for the post of Teacher (Primary) vide advertisement no. 08/2007 on 16.10.2007 calling for the applications. The applicant submitted the application and participated in the competitive examination and she secured 133 out of 200 marks but she was not selected. The above information she got as a reply to her RTI application dated 18.08.2009. On 29.6.2010, as she came to know that a candidate having secured lesser marks of 120 out of 200 marks was selected, whereas, she having secured 133 out of 200 marks was not selected. She made a representation to the respondents through Teachers Welfare Association (Regd.). But, however, she could not get any response from the respondents. The claim of the applicant is that as she was working on contractual basis, she is entitled for age relaxation which was not considered by the respondent consequently

she was not selected and, therefore, her claim is that respondents be directed to consider her claim by giving age relaxation.

4. The respondents have filed a counter reply stating that at the relevant point of time there was no provision for age relaxation to the contractual teacher in view of the Recruitment Rules for the said posts of Teacher (Primary). The respondents have strongly contended that this is a very old case of recruitment in the year 2007. The entire process is over. And there is inordinate and unexplained delay and laches on the part of the applicant, as such the OA requires to be dismissed.

5. The applicant has not given any reason for the delay and laches on her part for the delay of almost 08 years. In the meantime, the entire process of recruitment which was started in the year 2007 is long over. The counsel for the applicant has stated that in case of similarly situated applicant in OA No. 714/2009 titled as **Mrs.Preeti Rathi & Ors. Vs. MCD through its Commissioner and Ors** and in TA No. 23/2011 titled as **Veena Kumari & Ors Vs. DSSSB & Ors**, this Tribunal has given reliefs and he has further relied upon following judgments in support of his submissions.

- (1) **K.C.Sharma & Ors Vs. Union of India & Ors.**
(AISLJ 1-1998(1)54)
- (2) **Ms. Meenakshi Sharma Vs. SDMC through its Commissioner and Others.** (OA No.2210/2016)
- (3) **Ms. Sayeeda Begum Vs. SDMC through its Commissioner and others** (OA No. 641/2013)

In so far as the unexplained delay and laches is concerned, the law laid down in the above said judgments, do not come to the rescue of the applicant.

6. We are of the opinion that in view of there being long delay and laches in this case and the entire selection process which was started in 2007 was over long ago as such entertaining such stale claim would open flood gate for frivolous litigations. As such, we dismiss MA 1901/2015 on the ground of delay. Accordingly, OA is dismissed. No order as to costs.

(S.N. Terdal)
Member (J)

(K.N. Shrivastava)
Member (A)

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