

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA 1769/2018

New Delhi, this the 4th day of May, 2018

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

Shri Yogender Singh
S/o Shri Jagdish Singh
R/o Village Lahurka, PO - Aurangabad,
District – Bulandshahar, UP ... Applicant

(Through Shri Sushant Mukund, Advocate)

Versus

1. Delhi Police,
Through its Commissioner
ITO, New Delhi-110002
2. Union of India
Through its Secretary
Ministry of Home Affairs,
North Block, Central Secretariat,
New Delhi-110001 ... Respondents

ORDER (ORAL)

Mrs. Jasmine Ahmed, Member (J)

Applications were invited for the post of Constable in Delhi Police in the year 1990. In response to that, the applicant applied for the same and appeared for physical qualifying/ fitness test and was found to be fit. He qualified for the written test and appeared for the same in the year 1991. It is claimed by the learned counsel for the applicant

that the applicant was declared passed/ qualified and in support of his claim, he drew our attention to Annexure A-2 (page 29 of the paper book). The learned counsel for the applicant stated that the applicant qualified in the written test also and was called for interview. However, in the meantime, another physical fitness test was conducted in which the applicant was declared unfit. After being declared unfit, the applicant approached the respondents through local Member of Parliament in the year 1994 for redressal of his grievance of non-appointment. Thereafter, a letter was written by respondent no. 1 to the local Member of Parliament wherein the roll number of the applicant was wrongly written as 2709 instead of 2707. It is stated by the learned counsel for the applicant that as the applicant had been repeatedly requesting for redressal of his grievance, he was called for interview by the Additional Commissioner of Police (Establishment), PHQ, Delhi on 10.10.2000. Thereafter, another physical fitness test of the applicant was conducted at Kingsway Camp, Delhi wherein he was declared fit and passed in the physical measurement test and also declared fit for appointment on his admit card itself. It is further stated by the learned counsel for the applicant that the applicant kept on writing letters to the respondents from the year 2000 to 2017 for redressal of his grievance and since he received no response, he has filed the present OA.

2. Heard the learned counsel for the applicant and perused the documents on record.

3. The appointment is pertaining to the year 1990 and all the procedure was completed by the year 1991. The claim of the applicant that he was declared passed/qualified could not be established by the learned counsel for the applicant by any document on record. From Annexure A-2 (page 29 of the paper book) based on which the applicant claims to have been declared qualified is a completely misplaced document. It is also not understandable what is the relevancy of this document as it seems to be a photocopy of a torn page which does not indicate any date mentioned therein or any caption so as to ascertain the relevancy of this document.

4. From bare perusal of Annexure A-2 (page 29 of the paper book), it appears to be a forged document, which is not complete and shows overlapping of another document thereon. Hence, no relevancy can be drawn from this document.

5. It is also seen that the respondents have given reply to the applicant vide their letter dated 08.09.2004 stating that matter with regard to his appointment to the post of Constable in Delhi Police has been considered time and again and since he could not qualify the written test and also failed in physical standard during re-examination at New Police

Lines Grounds, Kingsway Camp, Delhi, he could not be given appointment.

6. We find that the case of the applicant is hopelessly barred by limitation as the complete picture of his case was known to him through the aforesaid letter of the respondents dated 08.09.2004 and still he did not find it fit to approach the Tribunal and kept on waiting for 14 years. The recruitment relates to the year 1990 and today we are in 2018. At such a belated stage any direction to the respondents would be unwarranted and uncalled for. The Hon'ble Apex Court in a plethora of judgments has held that if a person sleeps over his right, he is not entitled to get any relief at a belated stage.

7. The OA being hopelessly barred by limitation is dismissed at the admission stage itself.

(Uday Kumar Varma)
Member (A)

(Jasmine Ahmed)
Member (J)

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