

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...

**Chandigarh, this the 26<sup>th</sup> day of July, 2018**

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)  
HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)**

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**(I) MA No.060/01784/2017 IN  
OA No.060/01411/2017**

Ajit Rai Joshi (Retd. Lecturer Electrical, Govt. Sr. Sec. School, Sector 45, Chandigarh), S/o Sh. Manohar Lal Joshi, R/o H.No.397, Pipliwala Town, Manimajra, Chandigarh, Group B-III(II) (aged 67 years).

**....APPLICANT**

**(Present: Mr. Yatin Gupta, Advocate)**

**VERSUS**

1. Union of India through its Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. The Administrator, Union Territory, Chandigarh.
3. The Secretary, Education Department, Chandigarh Administration, U.T. Chandigarh.
4. The Director Public Instruction (s), Department of Education, Chandigarh Administration, Sector 9, Chandigarh.
5. The District Education Officer, Department of Education, Sector 9, Chandigarh.
6. Principal, Govt. Sr. Sec. School, Sector 45, Chandigarh.

**....RESPONDENTS**

**(Present: Mr. Ram Lal Gupta, counsel for respondent no.1.  
Mr. A.L. Nanda, counsel for respondents no.2 to 5)**

**(II) MA No.060/01955/2017 IN  
OA No.060/01529/2017**

T.P. Singh, Lecturer Electrical Technology (Retd.), (Work Experience Instructor)  
Govt. Sr. Sec. School, M.M. Town, Chandigarh, resident of House No.1917/2,  
Katra Sahib Singh, Ahluwalia Street, Patiala 147001 (age 66 years) (Group B).

**....APPLICANT**

**(Present: Mr. Yatin Gupta, Advocate)**

**VERSUS**

1. Union of India through its Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. The Secretary, Education Department, Chandigarh Administration, U.T. Chandigarh.
3. The Director Public Instruction (s), Department of Education, Chandigarh Administration, Sector 9, Chandigarh.
4. The District Education Officer, Department of Education, Sector 9, Chandigarh.
5. Principal, Govt. Sr. Sec. School, Mani Majra Town, Chandigarh.

**....RESPONDENTS**

**(Present: Mr. Ram Lal Gupta, counsel for respondent no.1.  
Mr. A.L. Nanda, counsel for respondents no.2 to 5)**

**ORDER (Oral)**

***SANJEEV KAUSHIK, MEMBER (J):-***

1. This order shall dispose of above two captioned Original Applications (OAs) as point involved in these two cases is common in nature.

2. For convenience, facts are taken from the OA No.060/01411/2017 titled as Ajit Rai Joshi vs. Union of India and others.

3. The present OA has been filed by the applicant seeking the following relief:-

- “i) Direct the respondents to grant to the applicant, who is at Seniority no.2, the scale of Rs.620-1200 (revised) w.e.f. 01.01.1978 to 31.12.1985 as available to 30% posts of Works Experience Teachers, at par with C&V category teachers, as ordered by the Administrator, UT, Chandigarh, respondent no.2 with all consequential benefits along with

- interest @ 18% per annum from the due date till the benefit is actually paid to him.
- ii) Quash the entire action of the respondents including the order dated 31.03.2015 whereby the claim of the applicant is denied.
  - iii) This Hon'ble Tribunal may also pass any other order or direction for the grant of relief(s) to the applicant, which it may deem fit in the peculiar facts and circumstances of the case.
  - iv) Cost of the applicant may also be awarded in favour of the applicant.”

4. Along with OA, the applicant has also moved MA No.060/01784/2017 under Section 21 (3) of the Administrative Tribunals Act, 1985 for condonation of delay of 1780 days, in filing the present O.A.

5. This court, at the first instance, issued notice in MA for condonation of delay only to which the respondents have filed a reply.

6. We have heard learned counsels for the parties, on application for condonation of delay.

7. Mr. Yatin Gupta, learned counsel representing the applicant vehemently argued that the applicant had filed the representations for grant of relevant benefit i.e. Selection scale which was not granted to him from 1978 to 1985, during 2013-2014, but the respondents have not decided his case. Moreover, it is a recurring cause of action and earlier OA No.060/00126/2016 filed by the applicant was dismissed as withdrawn, in the presence of learned counsel for the respondents, with liberty to file fresh one, thus respondents cannot raise plea of delay in filing the present OA. It is submitted that the application for condonation of delay be allowed and OA be heard on merits.

8. Mr. Nanda, learned counsel for respondents no.2 to 5 vehemently opposed the prayer submitting that if a cause of action arose in the year 1978, when they were not granted selection, the applicants should have taken action at that time. He also submitted that even when they had filed belated representations,

even then they had not approached court of law at the relevant time. He also urged that during the service period, the applicant had not raised any grievance and became intelligent only in 2016/2018. He has retired in the year 2010, and even thereafter it took him 7 years to approach this court by filing the present OA.

9. We have considered the submissions carefully.

10. After going through the averments made in the MA, we do not find and grounds made out for condoning the delay. Moreover, it is settled that condonation of delay plea can be allowed only, if sufficient cause is shown to the Court of law. Since the applicant has not given any plausible explanation for not approaching the Court of law at earlier point of time and in view of the settled law that fence sitters, cannot be extended even deserved benefit, who do not approach the Court in time, and file belated claim that such relief should also be extended to them are barred from doing so, the instant MA lacks merit. Our view is fortified by judgments in the cases of **Bhup Singh versus Union of India & Ors.** (1992 A.I.R. S.C. Page 1414), **Union of India & Ors. Versus M.K. Sarkar** (2010(2) S.C.C. Page 58), **S.S. Rathore vs State Of Madhya Pradesh** 1990(4) SCC 582, of **C. Jacob vs. Director of Geology and Mining & Anr.** 2009 (10) SCC 115 and **Union of India & Ors. Versus A. Durairaj** (J.T. 2011(3) S.C. Page 254.

11. In view thereof, we see no reasons for condoning the huge delay in filing the OAs, accordingly both MAs are dismissed. Resultantly, both OAs are also dismissed on the ground of limitation, delay and laches. No costs.

(AJANTA DAYALAN)  
MEMBER (A)

(SANJEEV KAUSHIK)  
MEMBER (J)

**Dated: 26.07.2018.**

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