

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH**

OA. 350/853/2017

Date of Order: 19.01.2018.

Present: Hon'ble Ms. Manjula Das, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Shyam Sundar Das, son of late Subal
Chandra Das, residing at Ballavpur,
Sohagi Lane, Bilmath, Medinipur-
721101.

.....Applicant

Vs.

1. Union of India service through the Secretary, the Ministry of Planning, Department of Statistics and programme Implementation, Government of India, National Sample Survey Organisation, Sardar Patel Bhawan, Sansad Marg, New Delhi- 110001.
2. The Senior Government Advocate (H.O.) The Ministry of Law and Justice, 11, Strand Road, Kolkata- 700001.
3. The Director (Admns.) the Ministry of Planning, Department of Statistics and Programme Implementation, N.S.S.O. (F.O.D), East Block No. 6, level 4-7, R.K. Puram, New Delhi- 110066.
4. The Director, the Ministry of Planning, Department of Statistics and Programme Implementation, N.S.S.O, (F.O.D) East Block No.6, level 4-7, R.K. Puram, New Delhi- 110066.
5. The Additional Director General, N.S.S.O. (F.O.D), East Block No. 6, level 4-7, R.K. Puram, New Delhi- 110066.
6. The Deputy Director (Admn), N.S.S.O (FOD) 'C' Block, IIIrd Floor, Pushpa

Bhawan, Madanair, New Delhi- 110062.

7. The Deputy Director (Admn), N.S.S.O (FOD) 'C' Block, IIIrd Floor, Pushpa Bhawan, Madanair, New Delhi- 110062.
8. The Deputy Director & H.O. N.S.S.O (FOD), C.G.O Complex, 2nd Floor, E-Wing, Sector-I, Block -DF, Salt Lake City, Kolkata- 700064.
9. The Chief Administration Officer, N.S.S.O (FOD) , West Block No. 8 Win No. 6, 1st Floor, R.K. Puram, New Delhi- 110022.
10. The Regional Asstt. Director, (Appointing Authority), Chaudhury Market, Badamtala, Kalna Road, Burdwan- 713101.



11. The Chairman, National Council for Scheduled Castes and Scheduled Tribes, New Delhi.

12. The Secretary, the National Commission for Scheduled Caste and scheduled Tribes, Floor 'E' Lokmanayak Bhawan, New Delhi- 110011Respondents.

For the Applicant : Mr. RK Gupta, Counsel

For the Respondents : None

ORDER (Oral)

Per Ms. Manjula Das, Judicial Member:

This application has been filed by the applicant under section 19 of AT Act, 1985 seeking the following reliefs:

"8(a) An order and/or direction/directions to show cause as to why the decision was taken by the concerned respondents specially respondents No. 3, 4, 5 and respondent No. 10 not to send the application submitted by the applicant to public service commission, West Bengal for appearing in the examination for West Bengal Audit and Accounts Service Examination, 1980.

(b) The respondent authorities may be asked, by issuing order or orders and/or direction/directions upon respondent authorities, as to why no objection and/or letter of permission was not issued by respondent authorities being respondent authorities No. 3, 4, 5 and 10 for letting the applicant to join West Bengal Audit and Accounts posts on success.

(c) The respondent authorities may be asked, by issuing order or orders and/or direction /directions upon respondent authorities, as to why the office memorandum being annexure No. A-8 and A-11 to this application for alleged violation of rule 20 of the CCS (Conduct) Rules, 1964 and How and in what manner the applicant violated the concerned rule.

(d) An order to show cause by the respondent authorities specifically respondent no. 6 and respondent No. 9 as to why representation by the applicant was/were rejected vide Annexure "A-15" and "A-16" to this application without assigning any reasons, in a routine manner.

(e) Respondent authorities may be directed to produced all relevant records pertaining to the impugned decision taken by the respondent authorities in regard to decide of better opportunities and/or prospect, in regard to infringement of fundamental rights of the applicant/petitioner.

(f) Respondent authorities be directed to pay the applicant/petitioner Rs. 27, 25, 545.65p. for loss of salary difference, the legitimate claims of the applicant/petitioner.

(g) Rule NISI be issued in terms of prayer made at all.

(h) Rule be made absolute if no cause or insufficient cause be shown by respondents authorities.

(i) Any further order or orders be passed as to this Hon'ble Bench may deem fit and proper."

2. The grievance of the applicant is that the applicant joined in the National Sample Survey Organization at the post of Investigator on temporary basis in the year of 1978. In 1980, the applicant appeared and completed the examination for Audit and Accounts service on the basis of advance copy and the applicant was selected. On 30.09.1980, the applicant submitted an application to his department for sending and/or transmitting his application to Public Service Commission, West Bengal Audit and Accounts Service Examination, 1980. The applicant received an interview letter from Public Service Commission to appear for interview to be held

on 01.06.1981. On 23.05.1981 the Regional Asstt. Director, N.S.S.O (F.O.D.) Burdwan informed the applicant that the applicant's application could not be forwarded in public interest and the applicant received the same on 22.07.1982. On 01.06.1981 after selection, the applicant appeared for interview before Public Service Commission and contacted the Regional Asstt. Director and informed that his application is still pending. Thereafter, the applicant received a reminder from Public Service Commission for furnishing letter of permission from appointing authority by or within 15.07.1981. On 17.08.1981 the Assistant Secretary, PSC asked the applicant through its letter being No. 40592) PSC (1) to produce letter of permission from appointing authority by 31.08.1981 for considering the candidature. On 01.11.1981 the applicant's service with NSSO was made quasi-permanent. But 22.07.1982 the applicant received the Memorandum dated 23.05.1981. On 18.10.1990 the applicant gave a representation to different Authorities of India.



3. We have heard the learned counsel for applicant and perused the documents placed on record.
4. Section 21 of the Administrative Tribunal Act, 1985 provides for limitation of filing an original application as under:

“21. Limitation-

(1) A Tribunal shall not admit an application-

(a) in a case where a final order such as is mentioned in clause (a) of subsection (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months."

Further, sub-section 3 of Section 21 of the said Act, provides as under:

"(3) Notwithstanding anything contained in sub-section applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period."

In the case of **Bhoop Singh vs. Union of India and others**, 1992 AIR 1414, the Hon'ble Supreme Court has observed as under:

 "Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief."

We have noted that the applicant was sleeping over the matter for long years and no sufficient reasons have been explained for condonation of such delay. The maxim 'vigilantibus, non dormientibus, jura sub-veniunt' (law assist those who are vigilant not those who are sleeping over their rights) is appropriate to the matter in hand. In our opinion, the case is hopelessly barred by limitation.

5. Accordingly, the OA stand dismissed. No order as to costs.

(Dr. Nandita Chatterjee)
Member (A)

(Manjula Das)
Member (J)

