

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 060/320/2018 &
M.A. NO. 60/412/2018**

Chandigarh, this the 11th day of February, 2019

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

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Jasbir Kaur w/o late Sh. Gurkirpal Singh, aged 42 years, working as Junior Assistant in the office of Regional Employment Exchange, Union Territory, Chandigarh.

....APPLICANT

(By Advocate: Shri K.B. Sharma)

VERSUS

1. Union Territory through its Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. The Advisor to the Administrator, Union Territory Chandigarh, U.T. Secretariat, Sector 9, Chandigarh.
3. The Secretary Employment, Union Territory, Chandigarh Sector 71, Chandigarh.
4. The Regional Employment Officer, Regional Employment Exchange, U.T. Chandigarh Sector 17, Chandigarh.
5. Smt. Sunita Rawat, working as Junior Assistant at Govt. College of Art, Chandigarh Administration.
6. Smt. Pabinder Kaur, working as Junior Assistant at Govt. College of Art, Chandigarh Administration.

....RESPONDENTS

(By Advocate: Shri T.S. Hundal, proxy for Mr. Ram Lal Gupta for respondent no. 1.
Shri Vinay Gupta, Advocate for respondents no. 2-4
Ms. Moushmi Mittal, Advocate for respondents no.5-6

ORDER (oral)**SANJEEV KAUSHIK, MEMBER (J)**

The present Original Application has been filed whereby the applicant has assailed the impugned reply dated 15.9.2017 (Annexure A-1) to her legal notice dated 16.8.2017 (Annexure A-10), reply dated 31.8.2017 (Annexure A-2) to her representation dated 14.7.2017 (Annexure A-9) and seniority list dated 28.9.2010 (Annexure A-3).

2. Alongwith the O.A. the applicant has also filed M.A. No. 60/412/2018 under Rule 21(3) of CAT (Procedure) Rules, 1987 seeking condonation of delay of 2755 days in filing the accompanying O.A.

3. This Court at the first instance, issued notice to the respondents on the M.A. for condonation of delay in filing the O.A., to which the respondents have filed reply.

4. We have heard the learned counsel appearing for the parties and carefully gone through the pleadings available on record with their valuable assistance.

5. The learned counsel for the applicant submitted that very basis of appointment of private respondents no. 5 & 6, who were appointed purely on temporary basis in the year 1999 is bad in law and subsequent order of their regularization in the year 2013 is also liable to be set aside as the applicant was appointed on 23.1.2002 as Clerk-cum-Typist against the post reserved for physical handicapped quota as well as scheduled caste. He

submitted that the applicant was regularly appointed in the year 2002 and the private respondents were regularized in the year 2013, but they have been put over and above the applicant in the seniority list. The applicant, feeling aggrieved against the said action of official respondents, filed representation, which has been answered by the respondents vide impugned reply. Thus, he is before this Court seeking condonation of delay and also that the appointment of private respondents be set aside.

6. The private respondents have adopted the reply filed by the official respondents.

7. Mr. Vinay Gupta, learned counsel for the official respondents submitted that the private respondents were appointed way back in 1999 and thereafter tentative seniority list was published on 28.9.2010 where the objections were invited, but no objection was raised by the applicant at that time. Their services were regularized against the available vacancies vide order dated 21.1.2013 (Annexure R-3). The applicant for the first time served a legal notice on 16.8.2017, almost 4 years from the date of regularization of services of private respondents no. 5 & 6, and 18 years from the date of appointment of private respondents. Thus, he submitted that the O.A. deserves to be dismissed on account of delay and laches. He also draws inference from the judgment passed by the Hon'ble High Court of Punjab and Haryana in CWP No. 21416 of 2016 – **Raj Kumar Sehgal vs. Presiding Officer, Industrial Tribunal and Labour Courts and Another** decided on 17.10.2016 which has followed various judgments of Apex Court wherein it has

been ruled not to entertain belated claims and dismissed the petition without going into the merits of the case on ground of delay and laches alone. He also placed reliance on the judgment of Punjab and Haryana High Court rendered in the case of **Bhal Singh vs State of Haryana and Others** reported in 2017 VOL (1) RSJ page 326.

8. Same arguments were adopted by private respondents no. 5 & 6.

9. We have given our thoughtful consideration to the entire matter.

10. We are in agreement with the submissions made at the hands of learned counsel for the official respondents that this O.A. deserves to be dismissed on the ground of delay and laches alone as the person, who sleeps over his/her rights for long years, does not deserve any sympathy as the private respondents were appointed in 1999 and continuing in service for all these years. Their services were regularized in the year 2013. The tentative seniority list was issued by giving notice to the parties, but no objection was raised for regularization of their services in the year 2013. The applicant did not even bother to raise objection after regularization of their services. The present O.A. has been filed on 15.3.2018, after the date when the tentative seniority list was circulated in the year 2010, and the services of private respondents were regularized in the year 2013, if we count the limitation from 2013, even then the O.A. is hopelessly barred by time. Therefore, we are not inclined to entertain this application for condoning the

huge delay in filing the O.A. as the applicant fails to give plausible reason in support of her lis. Accordingly, the same is dismissed being devoid of merits. Hence, the M.A. for condonation is dismissed and consequently O.A. also stands dismissed being time barred. No costs.

(P.GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 11.02.2019
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