

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A.No.260/732/2013

Date of Reserve:21.12.2018

Date of Order: 21.01.2019

CORAM:

HON'BLE MR.SWARUP KUMAR MISHRA, MEMBER(J)

1.Narottam Dang, aged about 46 years, S/o. Late Bhagaban Dang, Vill-Rengali, PO-Gandapatrapalli, PS-Saintala, Dist-Balangir.

2.Amod Kumar Dang, aged about 19 years, S/o. Narottam Dang, Vill-Rengali, PO-Gandapatrapalli, PS-Saintala, Dist-Balangir.

...Applicants

By the Advocate(s)-M/s.T.K.Mishra  
P.Jali

-VERSUS-

Union of India represented through:

1. The Secretary, Department of Defence (Production), Ministry of Defence, Govt. Of India, South Block, DHQ, new Delhi-110 011.
2. Secretary, Ordnance Factory, Section-A/1, 10-Ask Bose Road, Kolkatta-700 001.
3. General Manager, Ordnance Factor, Badmal, Dist-Balangir.
4. Additional General manager, Ordnance Factory, Badmal, Dist-Balangir.

...Respondents

By the Advocate(s)-Mr.S.Behera

ORDER

PER SWARUP KUMAR MISHRA, MEMBER(J):

Shorn of unnecessary details, it would suffice to note that the entire landed property of applicant No.1's father had been acquired for the establishment of Ordnance Factory at Badmal in the year 1984. Similarly situated persons whose lands had been acquired were issued with the Displaced Cards. Accordingly, Displaced Card No.D/703/85 had also been issued by the Tahasildar, Titilagarh in favour of applicant No.1's father,

Bhagaban Dang. It is the case of the applicants that applicant No.1 (Shri Narottam Dang) though applied for Rehabilitation Assistance under the Scheme formulated by the Respondents for the displaced persons, it did not yield any fruitful result. On 04.06.2013, applicant no.1 made an application for providing employment assistance to his son, Shri Amod Kumar Dang (Applicant No.2) against the Displaced Card issued in favour of his father late Bhagaban Dang. The Respondents vide order 06.07.2013 (A/4) rejected the said request. Hence, by filing this Original Application, applicants have prayed for the following reliefs:

- i) ...to admit the Original Application.
- ii) ...to set aside the order dated 06.07.2013.
- iii) ...to direct the respondent no.3 to consider the applicant's application under the displaced category and to give a suitable appointment in the Ordnance Factory, Badmal within the stipulated period.

2. The grounds on which applicants have mainly based their claim are that they belong to backward class and are living below the poverty line. Consequent upon the acquisition of land, there is no source of income and therefore, family is in indigent condition.

3. On the other hand, respondents have filed a detailed counter opposing the prayer of the applicants. Respondents have pointed out that as per the scheme, Displaced Cards were issued by the State Civil Authorities to the head of each of the displaced family in the common list for registration of their names in the District Employment Office. In the process, a Displaced Card bearing No.D/703/85 was issued to Shri Bhagaban Dang, S/o.Sansara Dang of village – Rengali being the head of the said displaced family. In the list of displaced persons, the family members of the card holder, viz., Bhagaban Dang, the names of Narottam Dang and Bijli Dang have been mentioned as son

and daughter respectively. Based on the above list of family members and on getting sponsored by the Employment Exchange, Titilagarh, Shri Narottam Dang (applicant no.1) was asked vide letter dated 23.05.1997 to appear in the interview/test for the post of Labourer(US) that was scheduled to be held on 2.6.1997, but he did not attend the interview/test. On 17.04.2006, he represented for review of his case as he could not attend interview/test due to some unavoidable circumstances. As there was some discrepancy regarding the age of applicant no.1, the matter could not progress. While the matter stood thus, on 4.6.2013, applicant no.1 made a representation for giving employment assistance to his son/applicant no.2. The matter was examined and it was found that applicant no.2 was not a listed legal heir of the displaced card holder, late Bhagaban Dang and therefore, he could not be considered for appointment against the said Displaced Card. This apart, according to respondents, the claim laid in the O.A. suffers inordinate delay. In view of this, his request was rejected vide communication dated 06.07.2013(A/3). Respondents have therefore, submitted that the O.A. being devoid of merit is liable to be dismissed.

4. Applicants have filed a rejoinder in which it has been submitted that applicant no.1 is not aware of any such letter dated 23.05.1997 whereby he had been called for interview/test nor had he ever sent any communication dated 17.04.2006 (R/2) requesting for review of his case in order to provide him an appointment against DP Card issued in favour of his father Bhagaban Dang.

5. Heard the learned counsels for both the sides and perused the records. I have also gone through the decision of this Tribunal in O.A.No.251 of 2013 – disposed of on 26.04.2013.

6. At the outset it is to be noted that applicant no.1, Shri Narottam Dang is the son of late Bhagaban Dang. The land belonging to Bhagaban Dang having been acquired for the establishment of Ordnance Factory, Displaced Card bearing No.D/703/85 had been issued in favour of Bhagaban Dang in which the names of Narottam Dang (applicant no.1) and one Bijli Dang being son and daughter, respectively, had been indicated for availing the rehabilitation assistance meant for the Listed Displaced Persons (LDPs). There is no doubt that applicant no.2/Sri Amod Kumar Dang is the son of Sri Narottam Dang/applicant no.1 who also happens to be the grandson of late Bhagaban Dang in whose favour Displaced Card as mentioned above had been issued. In the O.A. the age of applicant no.2 has been disclosed as 19 years in the year 2013 when it was filed before the Tribunal. From this, it is clear that applicant no.2 had taken birth in the year 1994. In the circumstances, by no stretch of imagination, applicant no.2's name could have found place in the Displaced Card that was issued in the year 1985.

7. Coming to the point as to whether in the facts and circumstances of the case applicant no.2's name could be considered with a view to providing him employment under the rehabilitation assistance scheme. In this connection, I have gone through the decision of this Tribunal in O.A.No.251 of 2013 (Sri Labanya Bhoi vs. UOI) disposed of on 26.4.2013. In the fitness of things, Paragraph-5 of the order in O.A.No.251/2013 is reproduced herein below:

"5. A person who feels that his/her right has been abridged in any manner, must approach the Court within a reasonable period. This necessary to avoid dislocating the administrative set up after it has been functioning on a certain basis for years. The impact on the administrative set up is a strong reason to decline consideration of a stale claim unless the delay is satisfactory explained. In view of the law laid down above, inordinate and unexplained delay and/or laches is by itself a ground to refuse relief to the petitioner, irrespective of a merit of his claim. Accordingly,

this OA stands dismissed by leaving the parties to bear their own costs".

8. As already mentioned above, in the year 1994 applicant no.2's birth having taken place, there was no scope his name being found place in the Displaced Card. Secondly, as it reveals from the O.A. which is also not disputed, on his attaining majority in the year 2013, his father/applicant no.1 submitted an application to provide employment assistance under the rehabilitation assistance scheme. The respondents have also not called in question the documents showing applicant no.2 to be the son of applicant no.1. Therefore, I am of the considered view that the ends of justice would met if a direction is issued to the Respondents, particularly Respondent No.3, i.e., General Manager, Ordnance Factory, Badmal to re-examine the matter as to whether within the scope and ambit of the rehabilitation assistance scheme any such provision does exist safeguarding the facts and circumstances under which the present grievance of the applicant no.1 is grounded upon and accordingly, pass a speaking and reasoned order within a period of three months from the date of receipt of this order. Ordered accordingly.

9. In the result, the O.A. is allowed as above, with no order as to costs.

(SWARUP KUMAR MISHRA)  
MEMBER(J)

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