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**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No.984/2003
MA No.72/2004

New Delhi this the 2nd day of December, 2004.

HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Hari Pal Singh S/o Shri Raja Singh,
R/o 299, Ali Ganj, Lodhi Road, New Delhi.
2. Khagan Ranjeet S/o Shri Kalicharan Ranjeet,
R/o S.No.6, Mehar Chand Market,
Lodhi Colony, New Delhi. -Applicants

(By Advocate Shri M.K. Bhardwaj)

-Versus-

1. Union of India through
the Secretary,
Ministry of Finance,
South Block,
New Delhi.
2. The Assistant Director,
Ministry of Finance,
South Block,
New Delhi. -Respondents

(By Advocate Shri R.N. Singh)

ORDER (ORAL)

Heard.

2. Delay defeats justice. One who sleeps over his rights loses his remedy as well is the trite law. Pragmatic consideration has been introduced in Judiciary where liberal construction has been allowed by the Apex Court in several decisions. In **Apangshu Mohan Lodh & Anr. V. State of Tripura & Anr.**, 2004 SCC (L&S) 10 it has been held that power to condone the delay is although discretionary but is to be liberally construed.

3. In **State of Bihar and Ors. v. Kaneshwar Prasad Singh**, 2001 (1) SLJ 76 the Apex Court has ruled that delay is to be condoned on sufficient cause to dispense with justice. If the

explanation of delay does not smack of malafide or show dilatory tactics the Court must show utmost consideration.

4. It is trite law that the Tribunal cannot condone the delay without an miscellaneous application filed by applicant or without any explanation tendered for delay.

5. In the aforesaid backdrop and the trite law on limitation I find that issue regarding applicability of DoPT OM dated 10.9.93 on the workers engaged in Finance Commission was the subject matter in OA-2242/2001 – **Bharose Ram v. Union of India**, decided on 17.5.2002, where a coordinate Bench of this Court has allowed the OA, overruling the objection raised by respondents. The aforesaid decision has been carried before the High Court of Delhi and admittedly no stay has been granted, rather respondents have implemented the directions.

6. The Apex Court in a Constitution Bench decision in **K.C. Sharma & Others v. Union of India & Ors.**, 1998 (1) SCSLJ 54 has clearly laid down that in case of extension of benefit of a judgment if one is similarly circumstanced, limitation would not come in the way. In this view of the matter finding applicants on all fours covered by the decision in **Bharose Ram** (supra) I overrule the objection of limitation raised by respondents.

7. Moreover, the Scheme of 10.9.93 is a review of the earlier Scheme of 1988 in the wake of the decision of this Court in **Raj Kamal v. Union of India**, SLJ 1990 (2) CAT 169 this Scheme confers an obligation upon Government to suo moto accord temporary status to those casual workers who were in service on 1.9.93 and had completed the requisite 206/240 days. Though the Commission has provided a chart which clearly indicates that

applicants have qualified the eligibility criteria laid down under the DoPT Scheme of 10.9.1993, accordingly they cannot be deprived of the benefit accorded to Bharose Ram.

8. In the result, for the foregoing reasons, OA is allowed. Respondents are directed to accord same benefits to applicants, as have been granted to **Ram Bharose** (supra), within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

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