
(2011) 02 DEL CK 0428

In the Delhi High Court

Case No : Writ Petition (Civil) No. 737 of 2011

Kedar Nath Dua

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 07-02-2011

Acts Referred:

Citation : (2011) 02 DEL CK 0428

Hon'ble Judges : Dipak Misra, C.J.; Sanjiv Khanna, J

Bench : Division Bench

Advocate : Kumar Rajesh Singh, for the Respondent

Final Decision : Dismissed

Judgement

Sanjiv Khanna, J.—The Petitioner Kedar Nath Dua was selected as a Assistant Station Master (ASM) Group Students in 1953 and was confirmed in the ASM grade of Rs. 205-280 (authorized scale 425-460) on 8th February, 1968. He failed in vision test in May, 1975 and as per the recommendation of Committee for Alternate Jobs, was posted as a Coaching Commercial Clerk. He was given grade of Rs. 260-430 which the Petitioner accepted subject to his objections. However, pay protection was given. After 3-4 months he was granted the next grade of 330-560 and ultimately got grade of 425-460 after 8 to 10 years. He retired on 31st October, 1986 after attaining the age of superannuation.

2. In 2003, after more than 25 years, the Petitioner filed an original application before the Central Administrative Tribunal, Principal Bench, New Delhi, challenging and questioning his posting as a Coaching Commercial Clerk in the grade of 260-430. The allegation was that another person, one Ramjilal, a goods clerk was promoted to the post of Assistant Commercial Inspector in the grade of 425-640 after a month of the Petitioner's absorption, ignoring his claim. The tribunal noticed that the cause of action had accrued in 1975 and the original application was filed on 20th November, 2003. It was observed that the petition was highly belated and there was no explanation for the delay. It was observed

that the subject matter of challenge was the appointment given to the Petitioner in 1975 as a Coaching Commercial Clerk.

3. The aforesaid order of the Central Administrative Tribunal was passed on 3rd October, 2005. The Petitioner did not challenge in question the said order and has belatedly, after five years, filed the present writ petition claiming arrears of pay, dearness allowance and other consequential reliefs against the fixation of his pay in 1975. The delay between 3rd October, 2005 and filing of the present petition has not been explained. Merely writing letters and sending representations after the Central Administrative Tribunal had dismissed the original application, does not justify or furnish explanation for the delay between 2005 and 2010. As noticed above there has been delay and latches at every stage.

4. Keeping in view the aforesaid facts, we are not inclined to entertain the present petition and the same is dismissed in limine.