
(2011) 03 DEL CK 0140

In the Delhi High Court

Case No : Writ Petition (C) No. 18021 of 2005

Sh. Pritipal Singh

APPELLANT

Vs

Union of India (UOI) and Another

RESPONDENT

Date of Decision : 31-03-2011

Acts Referred:

Administrative Tribunals Act, 1985 — Section 21

Citation : (2011) 03 DEL CK 0140

Hon'ble Judges : Veena Birbal, J;Anil Kumar, J

Bench : Division Bench

Advocate : Nemo, for the Appellant; Geetanjali Mohan and Ketan Madan, for the Respondent

Final Decision : Dismissed

Judgement

Anil Kumar, J.—The Petitioner has challenged the order dated 23rd October, 2002 passed by the Central Administrative Tribunal, Principal Bench in OA 2798/2001 titled as Sh. Pritipal Singh v. UOI and Ors. whereby his petition of the Petitioner for re-engagement was dismissed by the Tribunal.

2. The Petitioner lastly worked in 1985 and thereafter made a representation in 1987 for his re-engagement. The Petitioner could not be re-engaged as there was no policy for re-engagement in 1987.

3. However, another circular dated 19th April, 1990 was issued contemplating re-engagement of the some of the workers, who had previously worked in the Railways.

4. While relying on the circular of 1990 for his re-engagement though the Petitioner also referred to a Circular of 11th March, 1999, however, no such circular had been produced by the Petitioner nor had been admitted by the Respondents in their counter affidavit, the Petitioner sought re-engagement in 2000 and when the Respondents did not provide re-engagement in 2000 filed an original application before the Central Administrative Tribunal.

5. Considering the facts and circumstances, the Tribunal held that the cause of action of the Petitioner for re-engagement had arisen in 1985 or in 1990 and an original application could not be filed by the Petitioner in 2000. It was held that the application of the Petitioner would be barred u/s 21 of the Administrative Tribunal Act, 1985.

6. The Tribunal also held that on merits, the seniority list on which the reliance was placed was issued for Kanoongo Clerk, which on inquiry had been found to be not authentic and as such the same could not be taken cognizance of and the Petitioner was not entitled for re-engagement and the petition had been dismissed.

7. Today no one is present on behalf of the Petitioner when the matter was taken up for hearing. The previous orders also reveals that the Petitioner had not appeared on 2nd April, 2008.

8. The learned Counsel for the Respondent has also pointed out that by the impugned order dated 23rd October, 2002, another similar application being OA 2865/2001 titled as Sh. Anil Kumar v. UOI and Ors. was also dismissed against which order, a writ petition was filed by another Petitioner Sh. Anil Kumar being WP(C) No. 2620/2003, which was also dismissed by this Court by a detailed order dated 25th October, 2005.

9. In the circumstances, the writ petition is dismissed in default. Pending applications, if any, are also disposed of.