

(2009) 11 DEL CK 0024

In the Delhi High Court

Case No : Writ Petition (Civil) No. of 5023 of 2001

Shri Bhanwar Singh

APPELLANT

Vs

The Presiding Officer, Central Administrative Tribunal and
Others

RESPONDENT

Date of Decision : 16-11-2009

Acts Referred:

Administrative Tribunals Act, 1985 — Section 20(1), 20(2), 21

Citation : (2009) 11 DEL CK 0024

Hon'ble Judges : Mukta Gupta, J; Madan B. Lokur, J

Bench : Division Bench

Advocate : Non, for the Appellant; A.K. Bhardwaj and Jagrati Singh for R-1 and R-2, for the Respondent

Final Decision : Dismissed

Judgement

Mukta Gupta, J.—In the present writ petition the Petitioner impugns an order dated 8th September, 1999 passed by the Central Administrative Tribunal, Principal Bench, whereby the Original Application No. 2351/1995 filed by the Petitioner was dismissed. By way of the original application, the Petitioner who was a Sub-Inspector in Delhi Police had inter alia challenged the seniority list dated 3rd May, 1994 among the Inspectors and orders of promotion of the DCP dated 12th August, 1994 by which Sub-Inspectors junior to him had been promoted to the rank of Inspectors. The Petitioner challenged the said list and order on the basis that his confirmation as Sub-Inspector was delayed as he ought to have been confirmed with effect from 1st October, 1986. Undue delay in his confirmation of his rank as Sub-Inspector which was done in August, 1989 effected his promotion from Sub-Inspector to Inspector.

2. The Petitioner had filed the Original Application before the Central Administrative Tribunal in the year 1995. The Central Administrative Tribunal dismissed the Original Application of the Petitioner on the ground of delay and laches. It held that the Petitioner was due for confirmation in the year 1986,

however was actually confirmed in 1989. The seniority list had been circulated on 8th June, 1990, however, he did not care to challenge the said list. Though the Petitioner had filed an application for condonation of delay being M.A. No. 2492/1996 before the Tribunal, however the Tribunal held that the grounds taken therein were not satisfactory.

3. We have heard counsel for the Respondents and perused the record as none is present on behalf of the Petitioner. Even when the matter was heard before the Central Administrative Tribunal none was present on behalf of the Petitioner.

4. Section 21 of the Administrative Tribunals Act, 1985 provides:

21. Limitation:- (1) A Tribunal shall not admit an application,

(a) in a case where a final order such as is mentioned in Clause (a) of Sub-section (2) of Section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(3) Notwithstanding anything contained in Sub-section (1) or Sub-section (2), an application may be admitted after the period of one year specified in Clause (a) or Clause (b) of Sub-section (1) or, as the case may be, the period of six months specified in Sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.

5. It is well settled that undue delay in agitating the rights by a party is a ground itself not to entertain the petition. The Petitioner ought to have acted with due diligence and promptitude. The issue of seniority of the Petitioner if is to be considered now on merits, it might affect the seniority of other people who in the course of events have earned further promotions/retirement or so.

6. In Administrator of Union Territory of Daman and Diu and Ors. v. R.D. Valand 1996 SCC (L&S) 205 it was held:

We are of the view that the Tribunal was not justified in interfering with the stale claim of the respondent. He was promoted to the post of Junior Engineer in the year 1979 with effect from 28-9-1972. A cause of action, if any, had arisen to him at that time. He slept over the matter till 1985 when he made representation to the Administration. The said representation was rejected on 8-10-1986. Thereafter for four years the respondent did not approach any court and finally he filed the present application before the Tribunal in March 1990. In the facts and circumstances of this case, the Tribunal was not justified in putting the clock back by more than 15 years. The Tribunal fell into patent error in brushing aside the question of limitation by observing that the respondent has been making representations from time to time and as such the limitation would not come in his way.

7. We are in agreement with the order of the Central Administrative Tribunal and find no infirmity in it.

8. Hence, we find no merit in the writ petition.
9. Dismissed. No order as to costs.