
(2000) 05 DEL CK 0002
In the Delhi High Court
Case No : CWP. No 2269 of 1998

Viresh Kumar

APPELLANT

Vs

M.C.D.

RESPONDENT

Date of Decision : 03-05-2000

Acts Referred:

Citation : (2000) 56 DRJ 127 : (2001) 89 FLR 123

Hon'ble Judges : A.K. Sikri, J

Bench : Single Bench

Advocate : Mr. Abhay Singh, for the Appellant; Ms. Madhu Tewatia, for the Respondent

Judgement

A.K. Sikri, J.—Rule.

2. With the consent of parties, the matter is heard and disposed at this stage.

3. Single Bench of this Court in a Writ Petition filed against MCD by certain casual workers claiming regularisation, passed the directions directing the MCD to prepare a seniority list of all casual workers and prepare a seniority list of all casual workers and prepare the scheme for their regularisation. Pursuant thereto a list was prepared in the year 1988 and objections were invited to the said list. The name of the petitioner as per that list, is shown at S. No.1969 treating his year of treating his year of joining as 1985. This petition was filed in March 1998 claiming that the petitioner joined on 18.4.1984 and as per this, his name in the seniority list should have been at S.No.1677. It is pointed out by Ms. Madhu Tewatia, learned counsel appearing for MCD that when the list was prepared in the year 1988, petitioner should have filed the objection to said list and he cannot take up this issue after the seniority list was settled a long ago and thereby upset the appletart. In support of her submission, she relies upon the Division Judgment order dated 23.2.1995 in CWP No.3914/91 dismissing the similar writ petition by passing the following order:

"The petitioner has been regularised in accordance with the order of this Court.

In 1988 the matter was decided and according to the orders passed by the single Bench of this Court the seniority of the employees similarly placed as the petitioner was fixed and a specific time was given to file the objections to the draft seniority list. Admittedly, the petitioner did not file any such objections within the time prescribed. Seniority was finalised in the year 1988. The petitioner has now filed this petition after four years claiming that this seniority has not been properly fixed. We do not think that the petition deserves considerations at this belated stage. The petition is dismissed in limine with no order as to costs."

4. The case of the petitioner is squarely covered by the aforesaid order, petitioner could not point out as to whether he had raised any objections to the seniority list. In para 9 of the writ petition, petitioner has made the following averment.

"That on noticing that the petitioner's year of joining was shown as 1985 and not 1984 i.e. the year when he first joined, he made a representation to the respondents, pointing out the mistake and requested the authorities to rectify the mistake.

5. Above averments are totally vague and lack in material particulars. It is not pointed out as to when he noticed that his year of joining was shown as 1985 and when he made the representation. If it is presumed that petitioner made the representation to the seniority list in the year 1988, then the present writ petition is barred by laches and delays which is filed almost 10 years thereafter i.e. in March 1998. If it is presumed that petitioner came to know about the seniority list much after and then he made the representation, it would lead to the inference that petitioner did not raise any objection to the seniority list at that time and in such a situation the aforesaid Order of the Division Bench disempowers him. In either case, the petition fails and is hereby dismissed. Rule is discharged.

6. No order as to costs.