

Sh. Pritipal Singh Vs.

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Court : Delhi

Decided On : Mar-31-2011

Judge : Anil Kumar; Veena Birbal, Jj.

Appeal No. : W.P.(C) No.18021/2005

Appellant : Sh. Pritipal Singh

Respondent : Uoi and anr.

Advocate for Def. : Ms. Geetanjali Mohan; Mr. Ketan Madan, Advs.

Judgement :

1. Whether reporters of Local papers may be allowed to see the judgment? NO
2. To be referred to the reporter or not? NO
3. Whether the judgment should be reported in the Digest? NO

1. 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 & 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. 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.

3. 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. 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 under Section 21 of the Administrative Tribunal Act, 1985.

4. 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 been taken cognizance of and the petitioner was not entitled for re-engagement and the petition had been dismissed. 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. 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 & 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.

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

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