



Central Administrative Tribunal
Principal Bench

O.A. No. 1759 of 2001

New Delhi, dated this the 12th April, 2002

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MR. SHANKER RAJU, MEMBER (J)

1. Raj Pal Sharma,
R/O X-160, Gali No. 10,
Brahampuri, Delhi- 53.Applicant
(By Advocate : Shri T.N. Tripathi)

VERSUS

1. Union of India, Through,
Secretary, Ministry of Tele-
Communication, New Delhi.
2. Sr. Suppdt. of Post office,
Aligarh, U.P.
3. Head Post office,
(G.P.O) New Delhi.Respondents
(By Advocate : Shri M.M.Sudan)

ORDER

S.R. ADIGE, VC (A)

In this OA filed on 18.7.2001 applicant impugns respondents order dated 3.9.96 (Annexure A-1). He seeks reinstatement with all consequential benefits.

2. Applicant who while working as E.D.B.P.M. Jamunka BPO contested the election for Gram Pradhan, and having been successful, he became Gram Pradhan and started functioning on the elected post. The Department on coming to know of this development initiated disciplinary proceedings against him. Chargesheet was served on applicant, and after enquiry, applicant was removed from service vide disciplinary authority's order dated 29.3.90.

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Applicant's appeal was rejected upon which he filed OA No. 1198/91 in CAT (Allahabad) Bench.

3. Before the CAT (Allahabad) Bench inter alia it was urged on applicants behalf that there were precedents in the department where E.D.As were allowed to contest elections and still function as Gram Pradhan, upon which that bench in its order dated 22.6.93 held as follows:

"If that be the case, we do not see why the applicant should be discriminated. The impugned orders are liable to be set aside, if the department chose to observe Rule 18 in breach. We direct the respondents to consider the case of the applicant at par with similarly placed candidate and in case any E.D.A. was allowed to hold elected post of Gram Pradhan in Agra Circle or any other circle, the applicant should also be given the benefit and he should be put back to duty. In that case the applicant will not be entitled for back wages. The application stands disposed of with directions and observations as above. Parties to bear their costs."

4. Thereupon applicant represented to respondents for being taken back in service, upon which eventually respondents by their impugned letter dated 3.9.96 informed him that Gram Pradhan was holding EDAs post in Agra Circle and hence there was no reason to reinstate him as per CAT Allahabad Bench aforesaid order dated 22.3.93.

5. We have heard both sides.

6. At the outset, we note that this OA is grossly time barred and is hit by limitation. No satisfactory reasons have been advanced to condone the delay.

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7. That apart, by GOI's letter dated 8.7.82. The Note Below Rule 18(4) EDA (Conduct & Service) Rules, 1964 which allowed EDAs to hold any office elective or otherwise, in any local authority, has been deleted. Under the circumstances, respondents have rightly pointed out that any direction to them in applicant's favour in the background of CAT Allahabad Bench aforesaid orders dated 22.6.93 would be contrary to rule and law.

8. The OA therefore warrants no interference. It is dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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