

3

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

...  
OA. No.2100 of 1994

Dated New Delhi, this 20th day of February, 1995

Hon'ble Shri J. P. Sharma, Member (J)  
Hon'ble Shri K. Muthukumar, Member (A)

<sup>Dev</sup>  
Shri Raj Kohli  
R/o Nowshera (J&K)  
Pin Code-185151

... Applicant

By Advocate: Ms Prasanthi Prasad

VERSUS

1. Union of India  
through the Secretary  
Ministry of Communications  
NEW DELHI.
2. Chief Postmaster General  
BHOPAL
3. Senior Supdt. of Post Offices  
Lashkar, Gwalior (M.P.)
4. Post Master G.P.O.  
Lashkar, Gwalior (M.P.)

.. Respondents

O R D E R (Oral)

Shri J. P. Sharma, M(J)

The applicant was appointed on the post of Clerk in the Postal Department sometime in 1945 in undivided India and his place of posting fell in the territory now called Pakistan. However, he gave his option as a Central Government employee to migrate to India and prayed for posting in any place in India. The applicant thereafter joined in Gwalior Division till December, 1960. Thereafter he did not join service and now it is alleged that in December, 1960 he had to leave his hometown on account of certain casualty in his family when he was in Morena. The applicant has now filed this application on 18.10.94 and he has prayed for the grant of relief that his pension be settled along with Gratuity.

le

Contd...2

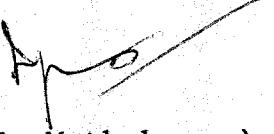
2. We heard Ms Prasanthi Prasad, counsel for the applicant at length and she has taken us to the various averments made in the OA and also fervently pressed the sympathetic cause of the applicant for consideration for grant of certain benefits. However, we find that the Tribunal has no jurisdiction in the matter in which cause of action had arisen sometime in 1960. Secondly, we find that the applicant has been totally out of employment by any reason whatsoever since 1960 and that his own averment in the OA that on return from Nowshera sometime in 1962 he was not allowed to join his duties and was informed that he was transferred to someother place. It was for the applicant to make a suitable representation on that point of time for redressal of his grievance and if still he had any grievance, he should have sought judicial review in a competent court. But he has not done so. The present case therefore, is also hit by delay and laches and the claim for pension and other retiral benefits can only be pressed when there is qualifying service under CCS(Pension)Rules,1972. There is nothing on record that the applicant has continued to serve.

3. In view of the facts and circumstances of the case, we find that the present application is not maintainable and the Tribunal cannot exercise its jurisdiction in which cause of action had arisen in 1962 and further the application is not only hit by limitation, but by delay and laches also and the

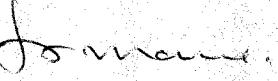
Contd...3

5

same is, therefore, dismissed as such at the admission stage itself. No costs.

  
(K. Muthukumar)  
Member(A)

dbc

  
(J. P. Sharma)

Member(J)