

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/01330/2019

Dated the 9th day of January Two Thousand Twenty

**CORAM : HON'BLE MR. P. MADHAVAN, Member (J)
HON'BLE MR. T. JACOB, Member (A)**

L.Johnraj Mohan, S/o. Mr. Lazer, 1-90/14, North Street, Marudakulam,
Tirunelveli District 627151.

....Applicant

By Advocate M/s. J. Titus Enock

Vs

1.The Secretary, Ministry of Communications, Department of Posts,
New Delhi 110001.

2.The Chief Post Master General, Tamil Nadu Circle, Anna Salai,
Chennai 600002.

3.Senior Superintendent of Post Offices, Tirunelveli Division, Palayamkottai,
Tirunelveli 600002.

....Respondents

By Advocate Mr. M. Kishore Kumar

ORDER

(Pronounced by Hon'ble Mr. P. Madhavan, Member(J))

Heard. The applicant has filed this OA seeking the following relief :

"To direct the respondents to regularise the services of the applicant as Gramin Dak Sevak and pass other suitable order as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case."

2. The applicant's case is that he had worked for 253 days in between 22.12.1997 and 31.07.1998 on the basis of oral orders of Superintendent of Post Offices, Tirunelveli Division as EDDA/MC. According to him, he is entitled to get included in the dovetailed list for regularisation. But the respondents had rejected the same on the ground that he has worked only on temporary basis as stop gap arrangement. He had approached the Tribunal by filing OA 443/2003 and the Tribunal had given a direction to the respondents to consider the representation of the applicant to include himself in the dovetailed list on 28.04.2003. The respondents, in compliance with the said order had considered the representation filed by the applicant and passed an order rejecting his claim on 01.08.2003. According to the applicant, some of the similarly placed persons had approached the Tribunal by filing OA 392/2004 and the relief in the said OA was granted and the said order was upheld by the Hon'ble Madras High Court in WP 28040/2005. So he claims benefit on the basis of the said order of the Hon'ble High Court.

3. When the matter came up for admission, the counsel for respondents took notice on behalf of the respondents and contended that the OA is not

maintainable as it is barred by limitation and latches on the part of the applicant. So, the case was posted for hearing on maintainability.

4. We have heard both sides. On the perusal of the pleadings of the petitioner, it can be seen that he had come up with same prayer in OA 444/2003 and the Tribunal had directed respondents to consider his representation for including in the dovetailed list and for absorption as GDS in the future vacancies on 28.04.2003. The respondents had considered the representation and passed an impugned order as Annexure A3 on 01.08.2003. According to the respondents, the applicant is not eligible for including in the dovetailed list and rejected the representation of the applicant on 01.08.2003. Thereafter, the applicant did not approach the Tribunal by challenging the said order and remained silent without taking any action. It is in 2019 he had filed this OA stating that some other similarly placed persons had got relief from the Tribunal as well as from the Hon'ble High Court.

5. It is well settled that under Section 21 of Administrative Tribunals Act, a person has to approach the Tribunal within a period of one year and if he fails to do so, his claim will be considered as barred by limitation. The Hon'ble Supreme Court, in the case of **State of UP and ors Vs. A. K. Srivastava & ors.** reported in **2014 KHC 4682** held that “Those persons who did not challenge the wrongful action in their cases and acquiesced into the same & woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time had succeeded in their efforts, then such

employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them.”

6. Here also, the applicant in this case had slept without challenging the order passed by the respondents for 16 years and now had come up with an OA seeking benefits which is alleged to be granted to applicants in OA 392/2004. So, we are of the opinion that this OA is clearly barred by limitation and there is no satisfactory reason to explain for so much delay in filing this OA. OA is prima facie barred by limitation and hence, it is liable to be dismissed in the threshold itself. OA will stand dismissed. No costs.

(T.Jacob)
Member(A)

(P. Madhavan)
Member(J)

09.01.2020

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