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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

R.A. NO. 249/92

New Delhi the 11th of August, 1994

Hon'ble Shri J.P. Sharma, Member (JO)

Shri Behari Lal Sharma
Son of Shri Pitamber Datt Sharma,
Ex. Savings Development Officer,
Office of the Senior Supdt. of Post Offices,
Mathura.

Resident of House of Shri Tara Shankar Sharma
Sheesh Mahal Street,
Bazar Sita Ram,
Chawri Bazar,
Delhi.

... Applicant

Vs

1. Union of India, through
The Secretary,
Ministry of Communications,
Govt. of India,
Parliament Street,
New Delhi.
2. The Director General of the Posts,
Parliament Street,
New Delhi .
3. The Post Master General,
U.P. Circle, Lucknow,
4. The Director of Postal Services,
Kanpur Region,
Kanpur.
5. The Senior Supdt. of Post Offices,
Mathura Division,
Mathura, U.P.
6. The Senior Post Master,
Mathura, U.P.

O r d e r

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

The applicant has sought review of the judgement in O.A 1380/89 decided on 8.5.1992. The grievance of the applicant in the aforesaid O.A was that the amount of 13 TA bills for local journeys for the month of May 1982, July 1982 to June 1983 by the order dated 11.7.1985 were

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rejected. The O.A. was filed in July 1989 and he prayed for the grant of the relief that the impugned order be quashed and the illegal deduction of amount of TA and LTC bills as mentioned in para 4.7 of the application be restored after passing the said TA and LTC bills and the applicant be paid the amount alongwith the interest. At the time when the O.A. was listed for hearing, the applicant was not present so the case was disposed of on the basis of the pleadings. The first contention of the applicant is that the case has been decided by the Single Bench. There is a specific provision in the Central Administrative Tribunal Act, 1985 that the Chairman can classified the case which can be decided by the Single Member Bench. The grievance of the applicant for non payment of TA and LTC bills in one of the category where the Single Member Bench can decide. This contention of the applicant, therefore, has no force.

There is a finding in the judgement that the application is barred by limitation. The applicant in para 3 of the O.A. has stated that the claim is within limitation. The relief claimed by the applicant is for quashing the order for illegal deduction of TA and LTC bills and to allow interest on the reduced amount @ 18% per annum. In para 4.7 of the application the applicant has given the details of his bills and that para is quoted below:

"That the applicant having undertaken the journeys by various modes of conveyance both at Mathura and Etah divisions had submitted 30 TA bills and one LTC bill inclusive of 13 TA bills for actual expenses for the month of April 1982 to June 1983 to the Senior Supdt. of Post Offices, Mathura within the stipulated period, amount to Rs. 14,640.85.

The particulars of the TA/LTC claim preferred, date of submission and mode of their submission have been shown in (Annexure A-5) and the amounts actually claimed for various mode of conveyances, expenses incurred and finally sanctioned by the Respondents No. 5 have been shown in (Annexure A-6)."

In the Review Application, the applicant wanted the period spent in pursuing CMP No. 835/86 before the Allahabad High Court and subsequently on transfer before the CAT, Allahabad Bench. In fact the applicant has not claimed any such ^{relief} ~~brief~~ in the Writ Petition 5519/83 transferred to CAT 1367/T/87. In view of this the applicant in the Review Application has pressed that his application is in time. However, it is not so. On the date of hearing of the RA the applicant again absented that there are written arguments on the file and he has referred to Ground Nos. 1 to 9 of the Review Application. While going through the Ground Nos. 2 to 9 of the Review Application, the same does not give any aid to the applicant to bring the case within the period of limitation provided under Section 21 of the Central Administrative Tribunal Act, 1985. Merely because the applicant was pursuing the remedy in another court for another relief would not give extension of limitation in a cause of action which has arisen in 1982 and 1983 as in the present case. Similarly the repeated representations made by the applicant to the higher authorities i.e. PMG, UP and Director of Postal Services, Kanpur would not add to the limitation provided under the law. Thus, the present review application was held to be barred by limitation and rightly so.

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The original application has also been disposed of as barred by principles of res judicata. The applicant has also earlier assailed the similar matter by filing MP on 16.1.1986 before the Hon'ble High Court of Allahabad in Writ Petition No. 5519/83. That Writ Petition was ultimately dismissed by CAT, Allahabad on 20.7.1987. The applicant has not pressed the CMP praying for the grant for the similar relief as in the present original application then that will not make the claim of the applicant enforceable by judicial review second time.

The applicant has not taken any other ground to consider the O.A. on merit except making certain averments which are totally irrelevant and do not show that there is error apparent on the face of the judgement. The Review Application, therefore, is totally devoid of merit and is dismissed.

J.P. Sharma

(J.P. Sharma)
Member(J)

Mittal