

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1546 of 1993

New Delhi, this 27th day of November, 1998.

HON'BLE SHRI RATAN PRAKASH, MEMBER(J)
HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

Nathi Ram Bhardwaj
S/o Shri Mehtab Singh
R/o 821, Mehtab Bhawan, Chirag Delhi
New Delhi.

... Applicant

By Advocate: None.

versus

1. Union of India, through
The Secretary
Department of Posts
Ministry of Communications
New Delhi.
2. The Chief Postmaster General
Delhi Postal Circle
Meghdoot Bhawan
New Delhi-110001.
3. The Senior Superintendent
Delhi Sorting Division
RMS Bhawan
Delhi-110006.

... Respondents

By Advocate: None.

O R D E R (oral)

HON'BLE SHRI RATAN PRAKASH, MEMBER(J)

Through this application the applicant is seeking a direction against the respondents to count his entire period of E.O.L. without M.C. i.e., of two years ten months and twenty one days to be counted for Time Bound Promotion on completion of sixteen years and twenty six years of service as per law/rules and as laid down in O.M. dated 16.2.92.

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2. The facts are not in dispute. The respondents have opposed this application on the ground of limitation as well as on merits. The stand of the respondents is that the period of the applicant which has been treated as E.O.L. relates to 1973 to 1978 on different spells and the applicant did not make any representation before 30.3.93 about the regularisation of his leave period. Besides this, the applicant has also filed an earlier OA.No.666/93 in this Tribunal and had sought promotion under B.C.R. Scheme on completion of twenty six years of qualifying service. The respondents have also stated that the name of the applicant was not considered for promotion by the DPC because he was not having qualifying service of twenty six years on the date of consideration because of dies-non/E.O.L. period without M.C. in different spells from time to time. It has been urged that the application has no merits and the same should be dismissed.

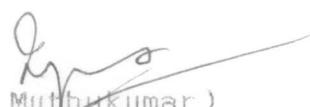
3. Since none has appeared for the parties, we have considered the pleadings and examined the records in detail. From a perusal of the records, it is evident that the applicant moved the respondents for the first time on 30.3.93 by way of representation at Annexure A-1 and that too related to treating the E.O.L. for the period between 1973-78 which is spread on different spells. The



applicant has also filed a separate OA. 666/93 the fate of which is also not known. However, the respondents state that it is placed on board since 24.8.93.

4. The applicant had retired on 30.6.93. The Central Administrative Tribunal has come into existence after the implementation of the Administrative Tribunals Act, 1985. If the applicant had any grievance, he could have approached the appropriate forum within the statutory period. Here he did only on 30.3.93; long after the period was counted as E.O.L. by the respondents. Having failed to seek remedy in time, no cause of action survives now.

5. In view of the above, this OA being highly belated is dismissed with no order as to costs.


(K. Muthukumar)
Member (A)


(Ratan Prakash)
Member (J)

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