

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1196 of 1996

Allahabad this the 06th day of May, 2002

Hon'ble Mr.C.S. Chadha, Member (A)
Hon'ble Mr.A.K. Bhatnagar, Member (J)

Sugriv Pati Tripathi, Son of Shri Ayodhya Pati Tripathi
R/o Village and Post Chandrauta, District Deoria.

Applicant

By Advocates Shri G.D. Mukerji,
Shri Satyajit Mukerji

Versus

1. Union of India through the Director, General of Post Offices, New Delhi.
2. The Superintendent Post Offices, Deoria Division, Deoria.

Respondents

By Advocate Km.S. Srivastava

O R D E R (Oral)

By Hon'ble Mr.C.S. Chadha, Member (A)

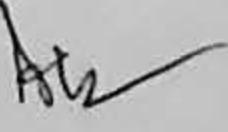
The Misc. Application No. 1932/02 has been moved to implead Director Postal Services who passed an order in appeal in favour of the applicant in 1981. As a result of that order the applicant was denied the backwages from the date of put off duty till the date of re-joining the post due to the fact the person whom the applicant was supposed to replace went upto the Hon'ble Supreme Court for his grievances. The applicant was finally reinstated in the year 1991, whereafter the

Chadha

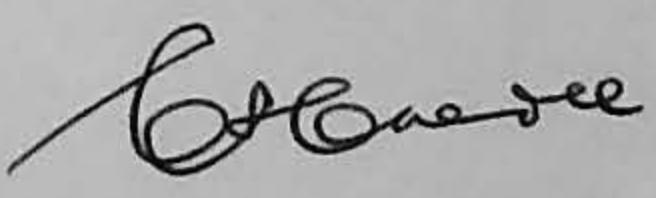
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applicant retired in the year 1993. In order to claim backwages from 1973 to 1991, he has filed this O.A. As far as backwages from 1973 to 1981 they were barred by the said order of the Director Postal Services, which the applicant never challenged. Thereafter because of the litigation in the Supreme Court, his re-instatement was delayed. We feel that if he had any claim for any relief, the same should have been made before the Hon'ble Supreme Court where he was a party to the litigation. This M.A. for impleading the Director Postal Services is only a belated effort to challenge his order dated 28.01.1981. We are afraid that the order of 1981 cannot be now challenged and further even after the claims of the applicant were rejected he filed this O.A. on 08.11.1996, long after his retirement. Learned applicant counsel for the ~~respondent~~ states that there was no written rejection of his claim. Whether there was a written rejection or not, he must file an O.A. within one year of the cause of action. We feel that not only the order of 1981 cannot be challenged now, even the subsequent cause of action was never challenged in an O.A. within time. Therefore, we ~~are~~ come to the conclusion that the amendment application need not be allowed because the O.A. itself is highly time barred. The O.A. is accordingly rejected as time barred. No order as to costs.


Member 'J'

/M.M./


Member 'A'