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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Allahabad this the 20th day of March 2001.

Original Application no. 921 of 1996.

Hon'ble Mr. Rafiq Uddin, JM

Hon'ble Maj Gen K.K. Srivastava, AM

Virendra Mishra, S/o Sri T. Mishra,
R/o village Bhaghayan Post Office,
Belghat, Gorakhpur.

... Applicant

C/A Sri R.N. Tripathi
Sri A. Shukla

Versus

1. Union of India through the Secretary,
Postal Department, New Delhi.
2. Senior Superintendent of Postal Office,
Gorakhpur Region, Gorakhpur.
3. Sub Divisional Inspector East Sub Division,
Gorakhpur Division, Gorakhpur.
4. Senior Post Master, Gorakhpur.
5. Naib Post Master, Barli District Gorkhpur.

... Respondents

C/Rs Sri S. Chaturvedi.

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O R D E R (Oral)

Hon'ble Mr. Rafiq Uddin, Member-J.

By means of this OA the applicant seeks the direction to the respondents to reinstate him on the post of C.P. Chaukidar and paid him salary and also seeks quashing of the termination order dated 30.10.94 passed by Sub Divisional Inspector, East Sub Division, Gorakhpur.

2. The applicant was selected for the post of C.P. Chaukidar. He was appointed vide order dated 24.03.1994, issued by Senior Superintendent of Post Office (SSPO) Gorakhpur (annexure A-1). The applicant in compliance of the aforesaid appointment letter joined at Barhi, Post Office, Gorakhpur on 31.03.93. The applicant is continuously discharging his duty till 30.10.94 when suddenly respondent no. 3 terminated his services vide order dated 30.10.94. The applicant claims that the impugned order is liable to be quashed as having been passed without providing him any opportunity to defend his case.

3. We have heard the learned counsel for the rival contesting parties and perused the record.

4. Learned counsel for the respondents has raised the preliminary objection that the impugned order dated 30.10.94, whereas the present OA has been filed in the year 1996. The applicant has also not filed any application for condonation of delay in filing the same. Therefore, the same is liable to be dismissed as grossly time barred. In support of his case he has relied upon

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the decision of Supreme Court Ramesh Chandra Sharma versus Udhamp Singh and others, 2000 SCC (L&S) 53, in which the Apex Court has held that the time barred applications for which the condonation of delay is not sought under section 21 (3) of the A.T. Act, 1985 and Tribunal cannot admit such application and dispose it on merit. In that case the departmental representation against non promotion was rejected on 2.7.91 and the OA was filed on 2.6.94 i.e. after three years. Hence, it was held that the application could not be considered on merit being beyond limitation. In the present case also learned counsel for the applicant has stated that the applicant has submitted his representation against impugned order on 20.11.94 and again on 21.11.94 and since no order was passed by the respondents, the OA was filed in the year 1996. It is relevant to mention here that under section 21 (1) (b) provides as under :-

"in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of Section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months."

The case of the applicant has also not covered by the above provision.

5. In this present case also there is no

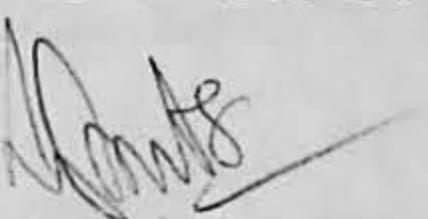
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application for condonation of delay has been filed by the learned counsel for the applicant. Hence the OA is grossly time barred and the same is dismissed.

6. No order as to costs.


Member-A


Member-J

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