

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 25TH DAY OF APRIL, 2001

Original Application No. 362 of 2001

CORAM:

HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.

HON. MR. J. GEN. K.K. SRIVASTAVA, MEMBER (A)

Prahlad Singh, S/o Sri Gaya Prasad

Singh, R/o Village Kapsa, Post

Office-Bahnai, district Hameerpur.

... Applicant

(By Adv: Shri R.K. Pandey)

Versus

1. Union of India through the Secretary  
Ministry of Post & Telegraph Department  
New Delhi.
2. Director General Post and Telegraph  
Department, New Delhi.
3. Director Post & Telegraph, Kanpur  
Region, Ksnpur
4. Superintendent of Post Offices, Banda.

... Respondents

O R D E R (Oa1)

JUSTICE R.R.K. TRIVEDI, V.C.

This OA has been filed challenging letter dated 14.3.2901 by which applicant has been intimated that application given by him has been rejected as it was not filed within the time prescribed.

The facts in short giving rise to this application are that in disciplinary proceedings applicant was dismissed from service by order dated 11.6.1986 passed by Superintendent of Post offices Banda (Annexure 2). Against the aforesaid order applicant filed appeal which was dismissed on 15.12.1987. Then applicant filed a representation under Rule 115 of P & T Manual Part II before Director General of Post Offices (Appeal section).



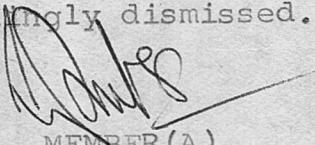
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It is claimed that during pendency of the representation applicant filed OA No.320/91. The OA was dismissed by a division bench of this Tribunal on 12.1.1993. The fact that representation was filed before Director General has been mentioned in the order. The Bench also noticed the pleadings in the counter affidavit that the representation has already been rejected. The court held as under:-

"..... That the only ground for challenge by the applicant is that the opportunity to defend himself has not been given to the applicant. If the applicant himself not availed the opportunity, the applicant himself is responsible for it. We do not find any merit in this application and this application is dismissed."

The aforesaid order was passed by division bench on 12.1.1993. The order has become final. It appears that applicant wrote some letter inquiring about his petition allegedly filed on 13.1.1988. The result has been communicated by the impugned letter. In our opinion, this communication to the applicant cannot give rise to a fresh cause of action for challenging the departmental proceedings and the order passed thereon, as this Tribunal had already dismissed the earlier OA on merits.

The OA is accordingly dismissed. No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 25.4.2001

Uv/