

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 16TH DAY OF JULY, 2001

Original Application No.818 of 2001

CORAM

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

HON.MR.S.DAYAL, MEMBER(A)

Rishi pal, son of Sardar Singh  
R/o village and Post rohalaki  
(Dehat),District Sahranpur.

... Applicant

(By Adv: Shri L.N.Pandey)

Versus

1. Union of India through its Secretary,Department of Post Ministry of Communication Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Post Master General, U.P.Circle, Lucknow.
3. Post Master General, dehradun
4. Senior Superintendent of Post Offices, Sahranpur Division Sahranpur.
5. Vijai Kumar, son of Hukum Singh Village Rohalaki, Post Rohalaki (Dehat), Sahranpur.

... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R(Oral)

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

By this OA applicant has challenged the appointment of respondent no.5 on the post of EDBPM Rohalaki district Sahranpur. It is not disputed that process of selection was started on 18.3.1994. The respondent no.5 was selected and appointed on 22.7.1998. This OA has been filed on 3.7.2001 i.e. after about three years. There is no explanation for this long and inordinate delay. The only challenge against the appointment is that this post was earlier

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occupied by a backward candidate hence this <sup>post should</sup> ~~seat has~~ been treated as reserved post and respondent no.5, geneneral candidate, could not be appointed. We have seen the notification filed as (Annexure A3). however, it does not appear that post was reserved for any reserved category.

The learned counsel also submitted that he made a representation on 13.8.1998 before Post Master General which was rejected on 26.4.2001 then this OA has been filed. However, law is very clear on the point, if the applicant had filed the representation and the representation was not decided for a period of six months it was open to him to approach this Tribunal. however, on this ground he could not arrest the running of limitation which started running from the date of cause of action. The application is accordingly dismissed as time barred. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: July 16, 2001

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