

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 08th day of August, 2001.

CORAM :- Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Maj. Gen. K.K. Srivastava, A.M.

Original Application No. 938 of 2001.

Radha Raman Mishra S/o Late Raghunandan Mishra
R/o Vill.- Tulapur, Dasami Talab, Pargana- Sikandara
Tehsil- Phoolpur, Distt. Allahabad.

.....Applicant

Counsel for the applicant :- Sri H.K. Mishra

V E R S U S

1. Union of India through its Post Master General,
Lucknow.
2. Senior Superintendent of Post Offices,
Allahabad.
3. Inspector Post Offices, North Sub Division,
Allahabad.

.....Respondents

Counsel for the respondent :- Sri R.C. Joshi

O R D E R (Oral)

(By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.)

By this application under section 19 of the Administrative Tribunals Act, 1985, applicant has prayed for direction to respondents to give entire back wages for the post of Postman since 10.09.1979 to 02.03.1998.

2. The facts of the case are that applicant was serving as E.D. Runner in the post office Kahli. He was involved in a criminal case under section 307/34 I.P.C. Hence, he was put off duty under rule 9 of Posts and Telegraphs (E.D. Agent Conduct and Service) Rules, 1964.

R — f

In the aforesaid criminal case, applicant was convicted and sentenced under section 307/34 I.P.C to undergo R.I for 5 years on 30.07.1975 by IX Additional Sessions Judge, Alld, in sessions Trial No. 89/1974. Against the aforesaid conviction and sentence, applicant filed Criminal Appeal No. 1734/1975 in the High Court. His appeal was allowed by order dt. 24.11.1980 and he was acquitted of the criminal charge. After being acquitted, applicant filed writ petition No. 1035/1998 before the Hon'ble High Court in which he claimed that services of the applicant were terminated on account of his involvement in a criminal charge and respondents may be directed to re-instate him. The petition was disposed of with the direction to respondent No.3, Inspector, Post Offices, North Sub Division, Allahabad to allow the petitioner to join his duties provided his services were ^{above} not terminated only on ~~the~~ ground. In pursuance of the order of Hon'ble High Court dt. 23.01.1998, applicant was allowed to join the duties on 24.02.1998 as E.D. Runner, Kahli. In the above background, now, this application has been filed claiming all back wages of the post of Postman from 10.09.1979 to 02.03.1998. The case of the applicant is that he had already appeared in the written test and he was selected for the post of Postman. However, it is admitted fact that on basis of alleged selection, applicant ^{u u} ~~was~~ never joined the post of Postman. He was put off from duty as EDR and he was restored back in service as EDR. Applicant has not even filed any document showing ^{There} ~~as~~ he was actually selected for the post of Postman. In the circumstances, no relief can be granted to the applicant. It is admitted fact that applicant was acquitted on 24.11.1980. He has approach this Tribunal by filing this OA on 26.07.2001 i.e after more than 20 years. For this reason also, this OA is highly delayed and no relief can be granted. For the reasons state above, this OA is ~~accordingly~~ dismissed.

3. There will be no order as to costs.

Member- A.

Vice-Chairman.

/Anand/