

OPEN COURT

CENTRAL AMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 03rd day of August 2001

Original Application no. 120 of 2001

Hon'ble Mr. SKI Naqvi, Judicial Member

Hon'ble Maj Gen KK Srivastava, Administrative Member

Ganga Prasad Srivastava Son of Mahabir Prasad

Srivastava, resident of village Shahpur,

Post Office Manjhanpur, District Kaushambi.

.....Applicant

c/A Shri K.C. Srivastava

Versus

1. The Union of India Through the Secretary, Ministry of Post and Telegraphs Department, New Delhi.
2. The Post Master General, Uttar Pradesh, Allahabad.
3. The Senior Superintendent of Post Offices, Mandal Allahabad.
4. The Post Master, Post Office Shahpur, Head Office Manjhanpur, Allahabad, now as District Kaushambi.
5. Shri Surya Maini Tripathi, E.D. Runner, office of Post Master, Post Office Shahpur, Head Office Manjhanpur, Allahabad Now as District Kaushambi.

.....Respondents

C/Rs. Shai.....

O R D E R

Hon'ble Mr. SKI Naqvi, JM

As per applicant's case he was appointed as Extra Departmental Runner in Post & Telegraph (P&T) department at Branch Post Office Shahpur, Head Office

S. Naqvi

....2/-

2.

Manjhanpur District Allahabad on 03.09.1966. After putting in 15 years of service he had to proceed on leave for a period between 13.6.1982 to 2.8.1982. When he returned and reported for duty on 3.8.1982, the Post Master, Shahpur did not allow him to join the duty and in his place one Sri Surya Mani Tripathi was appointed. The applicant remained in ~~getting~~^{bailing} on the basis of oral assurances. In the meantime, he was informed that he cannot be taken in service because of his resignation and then he moved application dated 10.8.1982 to Inspector Post Offices with the mention that he never tendered any resignation and the documents pertaining to his resignation is forged one which be rejected and he be taken on record. He again moved an application on 6.8.1983 and then another one on 6.8.1988, then on 09.09.1990 after that on 11.7.1991, thereafter, on 21.11.2000 and lastly to Post Master General (PMG) on 27.12.2000 (Ann. A-11). When he lost hope of any redressal from the side of the departmental authorities he has come up before the Tribunal.

2. At the time of admission, we required learned counsel for the applicant to address on the point of limitation. Learned counsel for the applicant mentioned that so far he lived on assurance and made repeated representations, more over it ~~been~~^{being a cause} a recurring cause of action, therefore, the bar of limitation does not come in his way.

3. Considering the facts and circumstances of the matter, we find that the cause of action accrued to the applicant on 3.8.1982, when he was not allowed

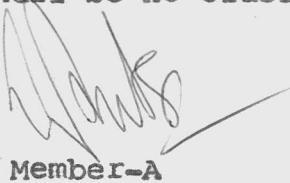
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3.

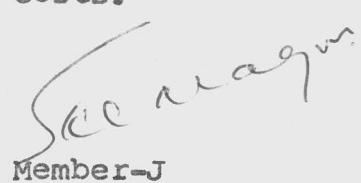
to join the duty, at the most it can be extended for further six months from the date of his representation dated 3.8.1982 repeated by 6.8.1983, but as per settled legal position, repeated representation will not ~~extend~~ ^{enlarge} the period of limitation. It is clear legal position that parties to pursue their rights and remedies promptly and not to sleep over their rights. If they choose ^{and} to sleep over their rights, ^{for a good} ~~an inordinate~~ ^{period of} long time, the Court may well choose to decline to ~~take~~ ^{Cognizance} ~~interfere.~~

4. For the above, the OA is grossly barred by period of limitation. Hence, we refuse to take cognizance of it. The OA is dismissed accordingly.

5. There shall be no order as to costs.



Member-A



Member-J

/pc/