

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of March, 2004.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 147 of 2004

Subhash Saroj S/O Hansu Saroj R/O Village and Post Devkali,
Pargana and Tehsil Kerakat, District Jaunpur, U.P.

.....Applicant.

Counsel for applicant : Sri K.C. Srivastava.

Versus

1. Union of India through Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. Post Master General UP Region, Lucknow.
3. The Post Master General, Allahabad.
4. The Post Superintendent of Post Offices, Jaunpur.

.....Respondents.

Counsel for respondents : Sri R.C. Joshi.

ORDER (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

By this O.A. applicant has sought a direction to the respondents to decide his representation within stipulated period by a reasoned order and to direct the respondents to appoint the applicant on the post of EDBPM, Devkali, District Jaunpur.

2. It is submitted by the applicant that he has done his high school examination from U.P. Board of High School and Intermediate Education, UP, Allahabad. He is a permanent resident of Village Devkali, District Jaunpur and is registered with the Employment Exchange in 1994. Respondent No.3 had called the names from Employment Exchange for filling the post of EDBPM, Devkali, Branch Post Office, Jaunpur pursuant to which four names were forwarded by the Employment Officer along with applicant. He gave his application on 2.8.95 along with all the necessary certificates but without interviewing the applicant, some other person was appointed

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as EDBPM. This being aggrieved he gave application on 7.1.96 as he was the only Schedule Caste candidate but yet the post was given to one Sri Hridaya Narain Tiwari. Since no response was given by the respondents on the applicant's representations ^{being} last representation dated 12.1.2004, he had no other option but to file the present O.A.

3. We have heard the applicant's counsel and perused the O.A. as well. It is seen that the post was advertised in the year 1995 and when applicant gave his representation on 7.1.96, he came to know that one Sri Hridaya Narain Tiwari has already been appointed as EDBPM, Devkali, Jaunpur. If he had any grievance he ought to have approached the Tribunal maximum within 18 months from the date, cause of action ^{had} arisen. The law is well settled by now by Hon'ble Supreme Court that repeated representations do not extend the limitation period. In this case as we have noticed that the applicant was aware about the appointment of Sri Hridaya Narain Tiwari as back as on 7.1.96 itself, even if his cause of action is taken from that very date, he should have filed the O.A. latest by July 1997. Since no O.A. was filed, this O.A. is clearly barred by limitation. At this juncture, it would be relevant to quote the judgment of Hon'ble Supreme Court in the case of Sri Ramesh Chandra wherein it has been held that Tribunal cannot even look into the merit of the case, if the O.A. is barred by limitation nor can condone the delay unless it is prayed for by the applicant. In this case applicant has not even filed an application seeking condonation of delay. Therefore, this case is fully covered by the above said judgment. The O.A. is liable to be dismissed on the ground of limitation itself. Even otherwise it is seen that Sri Hridaya Narain Tiwari is not even impleaded as respondent in this O.A. even though applicant is aggrieved by his appointment. Law is also well settled on this point that unless a person is impleaded, no orders can be passed



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on the back without giving opportunity to the said person of being heard. Therefore, even on this count, the present O.A. is not maintainable. so long Sri Hridaya Narain Tiwari is appointed on the post and his appointment has not been challenged, no relief can be granted to the applicant as prayed by him nor a direction can be given to the respondents to appoint the applicant in place of Sri Hridaya Narain Tiwari.

4. In view of the above discussion, there is no merit in the O.A. ~~and~~ The same is accordingly dismissed at the admission stage itself.

No order as to costs.

A.M.

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J.M.

Asthana/