

Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 30th day of August, 2007.

**HON'BLE MR. ASHOK S. KARAMADI, MEMBER-J
HON'BLE MR. P.K. CHATTERJI, MEMBER-A**

ORIGINAL APPLICATION NO. 1668 OF 2004

Nand Lal, aged about 30 years, S/o late Sri Babu Lal, R/o
Village Beerpur, Post Bhajanpur, Meja, District Allahabad.

.....Applicant

V E R S U S

1. Union of India through the Secretary, Ministry of Communication (Department of Posts), South Block, New Delhi.
2. The Sr. Superintendent of Post Offices, Allahabad Division, Allahabad.
3. The Sub-Divisional Inspector of Post Offices, Meja Sub Division, Meja, Allahabad.
4. Sri Indra Mani Pathak, S/o Shri Basudev Pathak, R/o Village Patehra, Post Bhajanpur, District, Allahabad.

.....Respondents

Present for the Applicant: Sri Rakesh Verma.
Present for the Respondents: Sri S. Singh & A. Tripathi

O R D E R

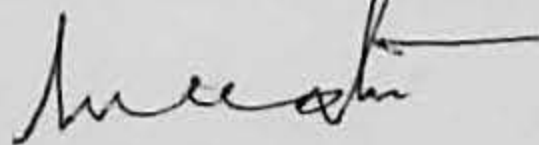
BY ASHOK S. KARAMADI, MEMBER-J

This O.A. is filed seeking direction to the respondents to finalize the selection process which was notification by the notification dated 13.4.1993. This O.A. is filed on 20.12.2004. Initially, the O.A. was filed without there being any application for condonation of delay. Subsequently, the delay condonation application was filed on 2.2.2005. In the said application, it is stated that earlier O.A. bearing no. 1033/93 was filed for



finalization of the selection proceedings and subsequently the said O.A. was dismissed in default on 5.5.2000, against which no restoration application has been filed by the applicant in the aforesaid O.A. and despite due information given by the present applicant, who was co-respondent in the aforesaid case and the applicant was continuously contacting the office of the respondents, in spite of that proceedings have not been finalized permitting the respondent no.4 Sri Indra Mani Pathak to continue on the aforesaid post in substitute capacity for the reasons best known to the respondents. Based on this, the application is filed for condoning the delay. On notice, the respondents have countered stating that the delay is not properly explained, although the appointment in favour of the respondent no.4 was issued on 17.5.1996. That being so, in absence of the proper explanation, the condonation of delay as set out in the application not deserves to be allowed.

2. We have heard the learned counsel for the applicant and the respondents and perused the pleadings and material available on record. On perusal of the pleadings, we are not satisfied with the grounds taken for condonation of delay. The grounds are in the nature of the proceedings challenging the order, but not in the nature of condonation of delay for making sufficient grounds to condone the delay for the relief(s) sought for in the application. In that view of the matter, we do not find any justification to condone the delay. Accordingly, M.A. is dismissed and consequently O.A. is dismissed. No costs.


MEMBER-A


MEMBER-J