

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.495 OF 2004
ALLAHABAD THIS THE 14TH DAY OF MAY, 2004

HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER-A
HON'BLE MR . A. K. BHATNAGAR, MEMBER-J

Jaiveer Singh Gangwar,
aged about 38 years,
son of Sri Sukhi Lal,
Resident of Village and Post Office-Rurhari,
District-Bareilly.

.....Applicant

(By Advocate Sri Anupam Shukla)

Versus

1. Union of India,
through its Secretary,
Post and Telegraph at Dak Bhawan,
New Delhi.
2. Post Master General,
Bareilly.
3. Senior Superintendent of Post Offices,
Bareilly.

.....Respondents

(By Advocate Shri R. C. Joshi)

ORDER

This O.A. has been filed under section 19 of the
Administrative Tribunals Act 1985, with prayer for direction
to the respondents to reinstate the applicant on the post of
Postal Assistant in Bareilly Division, Bareilly. In



pursuance to the notification issued during the year 1992, the applicant applied for the post of Postal Assistant and was selected. He was imparted training of Postal Assistant. However, the respondent no.3 issued a show cause notice dated 26.12.1997 stating therein that marksheet submitted by the applicant was forged. The applicant submitted his reply on 22.01.1998 but respondent no.3 cancelled the candidature of the applicant vide order dated 18.09.1992. The applicant filed O.A. No.1496/92 challenging the order dated 18.09.1992 which was decided by the order of this Tribunal dated 06.11.1997. The following order was passed:-

".....^h In view of the facts and circumstances as are disclosed and on application of the law as also analysed hereinbefore, we come to the conclusion that the order of cancellation of the appointment of the applicant without giving show cause notice, is not sustainable in law. Since we have also observed that the applicant has filed a forged marksheet we direct the respondents that the inquiry after giving notice to the applicant, should be conducted within three months and final order be passed. The O.A. is disposed of accordingly."

2. The learned counsel for the applicant submitted that the respondents have miserably failed to comply with the order. In fact ^h they have not conducted any probing enquiry in the matter and, therefore, the applicant cannot be denied his right of appointment on the post.

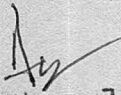
3. The learned counsel for the applicant further submitted that he has filed delay condonation application no.2170/04 alongwith the affidavit wherein it has been stated that the applicant became seriously ill and he could not approach the Tribunal in time.

4. This Tribunal passed the order on 06.11.1997 and in case the applicant found that the respondents failed to comply with the orders of this Tribunal, the course open to the applicant was ~~not to be considered~~ ^h

either to come on the contempt side under section 17 of Administrative Tribunals Act 1985 or else for execution of the order under section 27 of the Administrative Tribunals Act 1985. We have also perused the affidavit filed by the applicant alongwith the delay condonation application and in the affidavit the applicant has simply averred that he fell seriously ill. Nothing has been brought on record to ^{by Medical Certificate} justify consideration of condonation of delay.

5. In the circumstances, we are not inclined to entertain the delay condonation application no.2170/04 which is rejected. The O.A. fails and the same is dismissed as grossly time-barred under section 21 of the Administrative Tribunals Act 1985, at the admission stage itself.

6. There shall be no order as to costs.


Member-J


Member-A

/Neelam/