

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

Original Application No. 102 of 2004.

this the 10th day of February 2004.

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

Ganga Prasad Srivastava, S/o Sri Mahabir Prasad Srivastava,
R/o Village Shahpur, Post Office Manhanpur, District
Allahabad (Kaushambi).

Applicant.

By Advocate : Sri M.S. Akhtar.

Versus.

1. Union of India through the Secretary, Ministry of Communication, Department of Posts, New Delhi.
2. Postmaster General, U.P., Allahabad.
3. Sr. Supdt. of Post Offices Mandal, Allahabad.
4. Director Post Offices, G.P.O., Allahabad.

Respondents.

By Advocate : Sri R.C. Joshi.

O R D E R

PER MAJ GEN K.K. SRIVASTAVA, MEMBER (A)

In this O.A. filed under Section 19 of the A.T. Act, 1985, the applicant has prayed for a direction to the respondents to supply the copy of the order to the applicant in the matter referred in Annexure A-3, which is a letter dated 4.8.2003, addressed to Divisional Secretary, All India E.D. Employees Union, Allahabad. The applicant has also prayed for a direction to the respondents to decide the representation of the applicant dated 1.12.2003 (Annexure A-5).

2. The facts, as per the applicant, are that he was appointed as E.D. Runner in the respondents' establishment

at Branch post office Shahpur, District Allahabad, now District Kaushambi on 3.9.66 and he worked for about 15 years continuously. The applicant's mother fell seriously ill and the applicant moved an application for leave on 13.6.1982. The applicant reported for duty on 3.8.1982 at Branch post office Shahpur and he was assured that he would be allowed to join his duties soon. The applicant enquired the matter and he came to know that his resignation letter purported to have been submitted by him (which the applicant denies ~~xx~~ having submitted) was decided by the respondents and he was treated to have resigned from the post. The applicant has alleged that he has not been paid even a single penny after ~~xx~~ resuming his duties on 3.8.1982. He filed O.A. no. 120 of 2001 which was dismissed by this Tribunal by order dated 3.8.2001. The applicant approached the Hon'ble High Court at Allahabad by filing writ petition no. 41574 of 2001, which was also dismissed by the Hon'ble High Court by order dated 7.12.2001. The applicant has stated in para 4.8 of the O.A. that though the remedy against the order of Hon'ble High Court was left open with him to file S.L.P. before the Hon'ble Supreme Court, but it was beyond his capacity to approach the apex court. The applicant's case was taken up by the ^{sent} Union and the respondents ^{sent} / reply to the Union by letter dated 4.8.2003 (Annexure A-3). Therefore, the applicant has filed the present O.A. with the prayer to supply a copy of the order passed by the respondents. The applicant has further alleged that he had filed a representation before the respondents on 2.10.2003 followed by reminder dated 1.12.2003, but the respondents have not decided the same sofar, therefore, the applicant has approached this Tribunal.

3. We have heard the counsel for the parties, considered their submissions and perused the record.

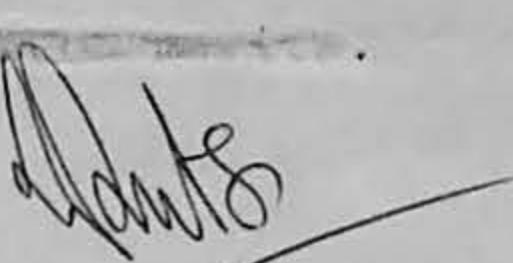
4. The applicant has made contradictory averments in paras 4.4 and 4.6 of the O.A. In para 4.4, the applicant has stated that he was assured by the Branch postmaster, Shahpur that he would be allowed to join his duties very soon, whereas in para 4.6 of the O.A. on the other hand, applicant has averred that he was not paid single penny after resuming his duties on 3.8.82. The applicant has also stated in para 4.7 of the O.A. that he filed O.A. no. 120 of 2001 before this Tribunal, which was dismissed by this Tribunal by order dated 3.8.2001 and also that he filed writ petition before the Hon'ble High Court, which was also dismissed on 7.12.2001. The applicant appears to have deliberately not annexed the order of this Tribunal as well as the order of Hon'ble High Court.

5. The learned counsel for the applicant during the arguments produced before us the order of this Tribunal dated 3.8.2001. A perusal of the same reveals that the O.A. was dismissed being grossly time barred by period of limitation. Hon'ble High Court also dismissed the writ petition holding that the impugned order of the Tribunal did not suffer from any irregularity and this Tribunal rightly rejected the O.A. being time barred. The applicant has now tried to re-open the issue by misleading this Tribunal that the order referred to in the letter dated 4.8.2003 (Annexure A-3 addressed to Union) be supplied to him so that he could find some material to again approach this Tribunal. Admittedly, cause of action accrued to the applicant on 3.8.1982 when he was not allowed to join his duties. The applicant has also admitted in para 4.4 that on enquiry, he was told that he had tendered resignation, which was accepted. If that be so, the applicant could have approached the respondents for supplying a copy of the order

which the applicant did not.

6. In the facts and circumstances and the aforesaid observations, we do not find any good ground for interference. O.A. is devoid of merit. Besides the relief claimed in para 8.2 of the O.A. cannot be granted in view of the fact that the representation for supplying a copy of the order passed in the year 1982, has been sought for from the respondents in the year 2004. The O.A. is accordingly dismissed. No costs.

MEMBER (J)


MEMBER (A)

GIRISH/-