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(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 25th day of May, 2005.

Original Application No. 567 of 2005

Hon'ble Mr. Justice S.R. Singh, VC.
Hon'ble Mr. S.C. Chaube, Member- A.

Amar Nath Mishra, S/o Late Ram Krishna Mishra,
Branch Post Master, Pasi Khera,
Distt. Kanpur. Presently R/o 61/49, Sita Ram Mohall,
Post Office Harbansh Mohall,
Kanpur NagarAPPLICANT

Counsel for the applicant :- Sri Ajay Rajendra

V E R S U S

1. Union of India through Secretary,
M/o Communication, D/o Post and Telegraph,
New Delhi.
2. The Director General, D/o Posts,
New Delhi.
3. The Chief Postmaster General, U.P. Circle,
Lucknow.
4. The Superintendent of Post Offices,
Kanpur (M) Division, Kanpur..... RESPONDENTS

Counsel for the Respondents :- Sri S. Singh

O R D E R

BY HON'BLE MR. S.C. CHAUBE, A.M.

Through the instant original application the applicant has sought direction to respondents 4 and 5 to give him duty of BPM, Pasi Khera Branch Post Office with all consequential benefits and further to decide his

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representation dated 23.02.2004 by a reasoned and speaking order.

2. Briefly the facts of the case are that the applicant was appointed as BPM at Pasi Khera Branch Post Office on regular basis in the year 1971. He was put off from duty on 19.11.1974 in contemplation of disciplinary proceedings. After about 11 years the charge sheet has been issued to the applicant on 18.06.1985 for reasons best known to the respondents. On 01.04.1986 the applicant was reinstated on duty. The applicant was again put off duty on 06.08.1986 on the ground of contemplation of the said disciplinary proceeding with a view to give benefit to Sri Prakash Narain Mishra. On 28.01.1987 the respondents appointed Enquiry Officer who submitted his report dated 19.12.1987. Ultimately the applicant was not found guilty in the disciplinary inquiry and he was reinstated by the Director, Postal Services, Kanpur vide order dated 09.12.1988 passed in the capacity of the Disciplinary Authority. According to the applicant the said order has not been challenged by the department and has become final. In spite of several representation and personal contact with the authorities to give him the charge of Pasi Khera Branch Post Office and they are still undecided.

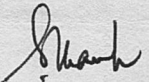
3. Learned counsel for the respondents raised preliminary objection that the OA is grossly time barred because ^{by} as per Section 21 of the Central Administrative Tribunals Act, 1985, the present OA has not been filed within one year from the date the cause of action arose.


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4. It is further noticed that the present OA is not supported by any application seeking condonation of delay. It is well settled law that the explanation for delay being reasonable or satisfactory is a pre-requisite to condonation of delay. However, in the present case the OA is not accompanied with any such explanation. When the statutes prescribes specific time frame of limitation, the courts have no power to extend the period of limitation on equitable grounds. In such cases the law of limitation even though harshly ^x affecting the applicant has to be applied with all its rigor (P.K. RamChandran Vs. State of Kerala & Anr. JT 1998 (7) SC 21).

3. For the aforesaid reasons and case law cited the OA is dismissed with no order as to costs.


MEMBER- A.


VICE-CHAIRMAN.

/ANAND/