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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

ORIGINAL APPLICATION NUMBER 607 OF 2005

ALLAHABAD                      THIS                      THE 30<sup>TH</sup>                      DAY                      OF                      MAY 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN  
HON'BLE MR. S.C. CHAUBE, MEMBER (A)

Krishna Chandra Srivastava  
Aged about 63 years,  
Son of Late Maha Narain Srivastava  
Resident of 180 L/K-1 Rajrooppur  
Allahabad.

.....Applicant

(By Advocate: Shri A. B.L. Srivastava)

1. Union of India through Secretary, Govt. of India  
Department of Post- cum- director General Post,  
Ministry of Communication,  
Dak Bhawan Sansad Marg, New Delhi-110 001
2. Chief Post Master General U.P. Circle, Lucknow.
3. Senior Superintendent of Post Offices, Allahabad  
Division, Allahabad.

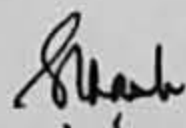
..... Respondents

(By Advocate : Shri Saumitra Singh)

O R D E R

By Hon'ble Mr. S. C. Chaube, Member (A)

The applicant through this O.A. has sought direction to the respondents to pay the arrear of pay and allowances necessitated by antedating his promotion in HSG-II Cadre w.e.f. 09.08.1989 and HSG-I Cadre w.e.f. 17.05.1996 along with interest @18% per annum from August 1989 on-wards on the arrears which have become due to him.



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2. The applicant was appointed in Class-III as postal assistant w. e. f. 17.02.1963. He was promoted in lower selection grade w. e. f. 25.02.1982 and in higher selection grade-II w. e. f. 01.10.1991. By order dated 14.07.1995 the Chief Post Master General, U.P. Circle, Lucknow antedated the promotion of Shri Lalu Lal Gupta in higher selection Gr. II w. e. f. 09.08.1989, although Shri Gupta was junior to the applicant. Later the respondents vide order dated 08.10.2003 promoted the applicant notionally in HSG-II grade w. e. f. 09.08.1989 and subsequently HSG-I Grade w. e. f. 17.05.1996 the date from which his junior Shri Lalloo Lal Gupta was promoted in above Grade with all consequential benefits. Even though the applicant has retired from service.
  
3. We have heard counsel for the parties and perused the original application. The applicant has prayed for payment of arrears of pay and allowances necessitated by antedated promotion in HSG-II Cadre w.e.f. 09.08.1989 and HSG-I Cadre from 17.05.1996. A perusal of Annexure A-1 which is order dated 08.10.2003 of SSPOs Allahabad Division, Allahabad, <sup>reveals that</sup> the applicant has been promoted notionally in HSG-II Grade w.e.f 09.08.1989 and subsequently promoted in HSG-I Grade w.e.f. 17.05.1996 the date from which his junior Shri Lalloo Lal Gupta was promoted in the aforesaid grades with all consequential benefits.
  
4. The learned counsel for the respondents has raised preliminary objection that the present Original

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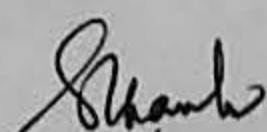
Application is barred by limitation as the cause of action arose in October 2003 and the present original application has been filed on 17.05.2005. Further the applicant has not filed any application for condonation of delay.

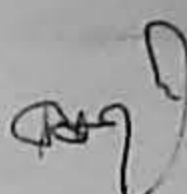
5. Learned counsel for the applicant has stated that the representation filed by the applicant in this connection has not so far been decided by the respondents. We are inclined in this context to refer the decision of Hon'ble Supreme Court in the case of S. S. RATHORE VS. STATE OF M. P. & Ors. AIR 1990 SC 10 wherein it was held that where the higher authorities have not made any order disposing off the representation filed by the petitioner within 6 months after making such representation, the cause of action would arise from the date of expiry of 6 months and repeated representation do not enlarge the period of limitation. We further notice that the applicant has not attached copy of the representation filed by him before the respondents along with the Original Application. Be that as it may he should have approached the Tribunal immediately after the expiry of the 6 months from the date filing of the representation before the respondents.
  
6. According to Section 21 of the Administrative Tribunals Act, 1985 a maximum period of 18 months has been prescribed as period of limitation. It is settled position of law that where the statute prescribes period of limitation, the courts have no power to extend the

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period of limitation on equitable grounds. Moreover, in the present case, the O.A. is not even accompanied with any application for condonation of delay.

7. For the aforesaid reasons and case law mentioned above, the Original Application is dismissed being barred by limitation. No costs.

  
Member (A)

  
Vice-Chairman

Shukla/-