

(A2/1)

CENTRAL ADMINISTRATIVE TRIBUNAL

...

Registration T.A. No. 1332 of 1986

Ram Lakhan Yadav ..... Plaintiff

Vs.

Regional Director, Postal Services

Allahabad Region & ors ..... Defendants

Hon' Mr. D.S. Misra, A.M.

Hon' Mr. D.K. Agrawal, J.M.

( By Hon' Mr. D.S. Misra, A.M. )

This is an original suit No. 90 of 1985 which was pending in the Court of Munsif Gorakhpur and which has come on transfer under section 29 of the Administrative Tribunal Act, 1985.

2. The plaintiff, claims to be an ex-serviceman, employed under the respondents since 1/7/1970 and retired as Sub Post Master on 30-6-1980 on superannuation. The plaintiff has alleged that he had submitted 24 bills in respect of self and his family members in respect of the medical treatment of self and his family members amounting to Rs.2,217.20 paise between 17-5-1967 to 24-8-67 and the sanction and payment of these bills were held back by the Senior Superintendent of Post Offices, Gorakhpur (Defendant No. 2). The plaintiff admits that in the year 1969 disciplinary proceedings were initiated against him and numerous other employees for submitting bogus medical reimbursement claims and that the memo of charges served on him was dropped vide DGP & T, New Delhi order dated 3-6-1982. In reply the defendants

bt

....2/-



A3/2

:: 2 ::

have stated that no medical reimbursement bill of the plaintiff is available in their office and they have denied the receipt of the alleged medical reimbursement claim of the plaintiff. We have considered the contentions of the parties and we find that the plaintiff has failed to furnish the details of the medical reimbursement bills alleged to have been submitted by him in the Office of Defendant No. 2 . On his own admission, the plaintiff had submitted these bills on unspecified dates between 17-5-67 to 24-8-67 and he kept silent over non reimbursement of these claims for more than 17 years before filing the present suit. The plaintiff has filed copy of a statement of Shri Jagbahadur Lal, Clerk Bill Section, <sup>in the office of</sup> Senior Superintendent of post Offices, Gorakhpur recorded by A. Rehman, Inspector on 17-6-68 (paper 24 Ga) in which it is stated that the receipt Register of medical reimbursement bills bears entry regarding receipt of certain medical bills of Shri Ram Lakhan Yadav by Shri B.B. Singh, M.R. Clerk. It appears from the record that some of these bills also became the subject matter of C.B.I. Inquiry leading to disciplinary action against the plaintiff. The silence of the plaintiff for more than 17 years discloses guilty conscience on his part in <sup>not</sup> claiming the reimbursement within a reasonable period. The plaintiff appears to have failed to pursue his claim for reasons best known to him for so many years, and the claim has thus become time barred. The service of a notice under <sup>Sec. 80</sup> C.P.C. by the plaintiff on the defendants some times in the year 1985, does not extend the period of limitation provided for preferring such claims. We are of the opinion that the

bt

....3/-



A3/2

:: 2 ::

have stated that no medical reimbursement bill of the plaintiff is available in their office and they have denied the receipt of the alleged medical reimbursement claim of the plaintiff. We have considered the contentions of the parties and we find that the plaintiff has failed to furnish the details of the medical reimbursement bills alleged to have been submitted by him in the Office of Defendant No. 2 . On his own admission, the plaintiff had submitted these bills on unspecified dates between 17-5-67 to 24-8-67 and he kept silent over non reimbursement of these claims for more than 17 years before filing the present suit. The plaintiff has filed copy of a statement of Shri Jagbahadur Lal, Clerk Bill Section, <sup>in the office of</sup> Senior Superintendent of post Offices, Gorakhpur recorded by A. Rehman, Inspector on 17-6-68 (paper 24 Ga) in which it is stated that the receipt Register of medical reimbursement bills bears entry regarding receipt of certain medical bills of Shri Ram Lakhan Yadav by Shri B.B. Singh, M.R. Clerk. It appears from the record that some of these bills also became the subject matter of C.B.I. Inquiry leading to disciplinary action against the plaintiff. The silence of the plaintiff for more than 17 years discloses guilty conscience on his part <sup>not</sup> in claiming the reimbursement within a reasonable period. The plaintiff appears to have failed to pursue his claim for reasons best known to him for so many years, and the claim has thus become time barred. The service of a notice under <sup>Sec. 80</sup> C.P.C. by the plaintiff on the defendants some times in the year 1985, does not extend the period of limitation provided for preferring such claims. We are of the opinion that the

bt

....3/-



A3/3

claim of the plaintiff, besides being unspecific also suffers from the defect of having been filed after a delay of more than 17 years. We are of the opinion that the claim of the applicant is highly time barred.

3. For the reasons mentioned above, we are of the opinion that the suit is not maintainable and is hereby dismissed without any order as to cost.

*DK Aggarwal*  
MEMBER (J) 5. 7. 89

*Bhm*  
MEMBER (A)

(sns)

June 5<sup>th</sup>, 1989.