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Reserved

Central Administrative Tribunal, Allahabad.

Registration D.A.No. 484 of 1988

Rachey Shyam Pandey

... Applicant

Vs.

Superintendent of Post Offices
Pratapgarh and others

... Respondents

Hon.K.Obayya, AM
Hon.J.P.Sharma, JM

By Hon.J.P.Sharma, JM

The Applicant Rachy Shyam Pandey filed this Application u s, 19 of the Administrative Tribunals Act XIII of 1985 hereinafter referred to as the Act for the following reliefs :-

i) S.P.O Pratapgarh's order no.B-Con-29/Exam May 68 dated 18.11.1969 reducing the Applicant to the rank of VPM/Postman w.e.f. 1.11.1968 from the clerical cadre ;

ii) SPO Pratapgarh's order vide No.F-2/67-68 dated 29.9.1968 ordering permanent reduction of the Applicant to the rank of VPM and further ordering stoppage of increment even in this cadre for one year ;

iii) order of DPO Pratapgarh vide No.F-15/70-71 dt.20.9.1974 reducing the Applicant to class IV Cadre at minimum grade of Rs.196-232 informed vide letter dated 5.1.77 filed as Annexure III ;

iv) order dated 1.5.80 passed by Director General P.T. New Delhi; ~~xxx~~ (be quashed and)

be awarded

v) the Applicant be ordered to be appointed as Clerk giving benefits of all the period for purposes of his increments etc., as if no punishment was treated out for him and full pay and all other allowances for the period of suspension be ordered to be paid to the Applicant at the earliest.

2. The Applicant was appointed as Clerk by Post Master General, U.P. by order dated 21.8.63. He was appointed on compassionate ground. The Applicant, however, could not qualify for confirmation in the examination of Clerks within the prescribed period. He was posted as Village Post-

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man on 1.11.1968 in Rae Bareilly. While posted at Pratapgarh, he was charge sheeted on 15.11.1969 and four charges were levelled against him. As a result of the said inquiry, on 29.9.69, the Applicant was permanently reduced to the rank of Village Postman and an increment was also stopped for two years. The Applicant was then placed under suspension w.e.f. 6.11.1971. He preferred several representations but to no effect. As a result of inquiry on the charges referred to above, he was reduced to Class IV cadre at the minimum grade by order dated 5.1.1977. He again made representations but to no effect.

3. At the admission stage, it was found that the present Application was barred by time and could not be entertained by the Tribunal u/s.21 of the Act. The Applicant, desires cancellation of orders dated 18.11.1969, 29.9.68, 20.9.74 and 1.5.80 with the direction that the Applicant be ordered to be appointed as Clerk giving all consequential benefits for the above period for which he was not allowed to work on that post. The Applicant is working as Packer at Head Post Office Pratapgarh.

4. Learned counsel for the Applicant has separately filed an Application u/s.5 of the Limitation Act. In this Application, the Applicant has prayed for condonation of delay on the ground that he was awaiting the decision on the representations made to Respondent nos. 2 and 3 and therefore, there has been delay in coming before the Tribunal. Further, it is prayed that the Applicant is a poor man. The learned counsel for Applicant has placed reliance on decision in Abdul Rahman Vs. Smt. Sugra Begum and others (1980 A.W.C.-284) in which the words 'sufficient cause' were considered. In view of the decision in Dinabandhu Sahu Vs. Jadumoni Mangaraj (A.I.R. 1954 SC- 411), the word sufficient cause should receive a liberal construction so as

to advance substantial justice. Thus, in view of the above case-law, learned counsel for the Applicant contended that a liberal view be taken in this matter.

5. We have heard learned counsel for the Applicant on the point of limitation. S.21 of the Act clearly lays down that if the cause of action arose three years before the existence of the Tribunal then the Applicant's Application u/s.19 of the Act cannot be entertained for any relief. In the instant case, the Applicant prays for quashing of certain orders passed in the years 1968, 1971 and 1980 which are even much beyond the year 1982.

6. Having given our careful consideration, the Application of the Applicant is abnormally barred by time and no reasonable and sufficient cause at all has been shown in the Application for condonation of delay nor it is supported by an affidavit of the Applicant which normally should have been filed to substantiate the various contentions raised in the Application u/s.5 of the Limitation Act.

7. The Applicant is already working as a Packer since 1980 and he has never raised any eye-brow till the filing of this Application on 13.4.1988.

8. The limitation is a very precious right of a litigant. Even if a liberal view is taken and a sympathetic consideration is made, the case of the Applicant cannot come within the sufficient and reasonable cause. There must be some reason for not coming earlier before the Court/Tribunal for the aforesaid reliefs. Merely making successive representations will not give a right in any way to extend the limitation, which has been specifically laid down in S.21 of the Act.

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9. As regards sufficient cause, nothing has been stated in the Application itself except that the Applicant alleged himself to be a poor man. In fact, he is sufficiently literate and he has worked as a Clerk for which post he still aspires. So it cannot be said that this is a case where the Applicant was totally illiterate. He is quite major and experienced.

10. We are of considered opinion that the Application is barred by time and the Application for condonation of delay moved u.s.5 of the limitation Act is devoid of merit. We find no force in the contention of the learned counsel for the Applicant and the Application for condonation of delay is rejected so also the Original Application with costs on parties.

J. Manu
MEMBER (J)

R. B. Singh
MEMBER (A)

Dated: 2 .3.1990
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