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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 11TH DAY OF APRIL 2001

Original Application No.1379 of 1993

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MR.S.DAYAL, MEMBER(A)

Brij Mohan Sharma, son of late
Shri Bansi Dhar, Resident of
Village & Post office Chirbuli
district Etawah
Ex Contingency Paid Chaukidar
Aurriya Head Post office, Etawah.

... Applicant

(By Adv: ShriVijai Bahadur)

Versus

1. Union of India through Secretary of
Communication, Department of Posts
Dak Bhawan New Delhi.
2. Post Master General, U.P.Circle
Kanpur.
3. Superintendent of Post Offices,
Etawah Division, Etawah.
4. Post Master, head post office,
Aurraiya, District Etawah.

... Respondents

(By Adv: Ms.Sadhna Srivastava)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

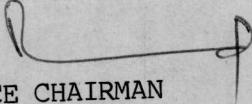
This OA has been filed on 10.9.1993 challenging order dated
11.4.1981(Annexure 1 to the RA) by which service of the applicant
was terminated.

Learned counsel for the respondents has raised a preliminary
objection that this OA is highly time barred and applicant is not
entitled for any relief. Learned counsel for the ~~respondents~~ ^{applicant}, on
the other hand, submitted that the OA is within time as
representation filed by the applicant on 10.12.1992 was pending and
it was not decided.

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We have considered the submissions of the learned counsel for the parties. It cannot be disputed that ~~a~~ cause of action for filing this OA arose to the applicant on 11.4.1981. This OA has been filed on 10.9.1993 i.e. after more than 12 years. The submission of the learned counsel for the applicant that his representation dated 10.12.1992 was pending ~~it~~ cannot be accepted for two reasons. The first reason is that representation was made after more than 11 years, by filing this belated representation the fresh cause of action could not arise to the applicant for filing OA. Secondly the limitation started running on 11.4.1981 and it could not be stopped by filing ~~successive~~ representations. In our opinion, this OA is highly belated and is liable to be rejected on the ground of limitation. The OA is accordingly dismissed. No order as to costs.


MEMBER(A)


VICE CHAIRMAN

Dated: 11.4.2001

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