

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 6TH DAY OF MAY, 2002

Original Application No.35 of 1994

CORAM:

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

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

Gend Lal Dwivedi, Son of
Shri Babu Lal, R/o village
and Post office Katari, district
Allahabad.

.... Applicant

(By Adv: Shri Surendra Kumar Mishra)

Versus

1. Union of India through Post Master General, U.P.Circle, Lucknow.
2. Director Postal Services, Allahabad Region, Allahabad.
3. Senior Superintendent of Post Offices, Allahabad Division, Allahabad.

... Respondents

(By Adv: Shri Ganga Ram Gupta)

O R D E R(Oral)

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

By this OA u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the respondents to reinstate him as he has been exonerated in criminal case initiated by the department. He has also prayed that order of punishments passed against him by the Disciplinary Authority/Appellate Authority/Revisional Authority may be quashed. No date or other particulars of the order has not been mentioned.

The facts of the case are that applicant was serving as EDBPM, Katari, Paschim Sarira, district Allahabad. He was served with a memo of charge dated 31.10.1985 containing allegation that while he



was working as EDBPM Katari between 22.2.1983 to 24.2.1983 he paid a money order of the value of Rs 300/- to one Shri Puran Das, village Kolwa post Bairampur Paschim Sarira while no such M.O was mentioned in the BO slip. The second charge against the applicant was that M.O. No.1904 for the value of Rs 1000/- was ^{Net} ~~not~~ paid to the payee and the payment of this amount was shown fictiously. As usual, the Inquiry officer was appointed who submitted report on 10.3.1987. The Disciplinary Authority agreed with the report and passed the order of punishment dated 31.3.1987(Annexure 3) and dismissed the applicant from service. This order was challenged in appeal which was dismissed on 26.4.1988(Annexure 4). Thereafter applicant filed revision which was dismissed on 20.4.1989(Annexure 5). The applicant did not challenge these orders before any court or tribunal.

The learned counsel for the applicant, however, submitted that a criminal case was also registered against the applicant on 7.10.88 as case crime No.112/88 u/s 467/468/471/420/409 I.P.C at police station Paschim Sarira, district Allahabad. In this criminal case a final report was submitted on 6.8.89 hence the applicant may be reinstated on the post. The aforesaid submission of the learned counsel for the applicant cannot be accepted. There is no order or judgment of any judicial court acquitting applicant from the charges. This OA was filed on 21.12.1993 i.e. after about more than 4 years of the revisional order dated 20.4.1989, ^{Under Article 21 of the} ~~Provided~~, u/s 29 of the Act limitation for filing OA is only one year. However, this OA was filed after four years for which no explanation has been given in the OA. Even if it is accepted, that after the final report was submitted then applicant was advised to file this OA then also delay remains of more than four years which has not been explained.

This OA is dismissed as time barred. There will be no order as to costs.

Dated: 6.5.2002

MEMBER(A)

VICE CHAIRMAN

Uv/