

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

...

O.A. No. 677 of 1995

Dated: 01 <sup>August</sup> July, 1995

Hon. Mr. S. Das Gupta, Member(A)  
Hon. Mr. T.L. Verma, Member (J)

Madho Ram Garg, aged about 52 years,  
son of Sri Jagdish Prasad Garg, Sub Post  
Master, Mansurpur, P.O. District  
Muzaffarnagar. ... Applicant.

( By Advocate Sri K.P. Srivastava)

Versus

1. Union of India, through the Secretary,  
Ministry of Communication,  
Government of India, New Delhi.
2. The Chief Postmaster General, U.P.  
Circle, Lucknow.
3. Sr. Supdt. of Post offices,  
Muazffarnagar, U.P. ... Respondents.

...

ORDER

( By Hon. Mr. S. Das Gupta, Member(A) )

When the application came up for admission,  
we have heard the the learned counsel for the  
applicant and also went through the averments made  
in the application.

2. The applicant who was initially appointed  
as Postal Clerk on 1.5.1993 was confirmed in that  
post on 16.5.1965. He was later promoted w.e.f.  
10.2.1982 to the Lower Selection Grade ( L.S.G. for

~~short~~ short) against 1/3rd quota of the vacancies.

The applicant's grievance is that although he was due for promotion to the Higher Selection Grade-II (H.S.G. II for short), he was not so promoted while two of his juniors namely Ram Lakhan Singh and R.K. Goswami, who were promoted to the L.S.G. on 12.5.1982 and 1.11.1985 respectively, were promoted to H.S.G II by an order dated 17.5.1988. The applicant's case is that since he was promoted to L.S.G. earlier than Ram Lakhan Singh and R.K. Goswami, and he was also confirmed in the entry grade earlier than them, he should have been promoted ahead of his juniors.

3. The cause of action had clearly arisen on 17.5.1988. The applicant has stated that he submitted a representation against his supersession on 13.10.1989 which did not elicit any response. Even reckoned from the date of the so-called representation, the application should have been filed by April, 1991 to be within the period of limitation. This application, however, has been filed only on 10.7.1995. The application is, therefore, badly time barred.

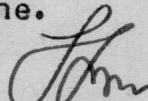
4. The applicant has also filed an application for condonation of delay in filing this application. The reasons indicated are not satisfactory. It would appear from the facts narrated in the said application that the applicant woke up only when a similar controversy was decided in favour of the applicant on 27.4.1994 in O.A. No. 302 of 1993. This decision

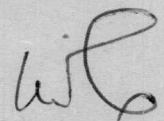
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is applicable to the applicant in that O.A. and the present applicant cannot contend that the judgment in that case has given him any fresh cause of action. In the case of Bhoop Singh Vs. U.O.I. & others. (1992) 21 ATC 675, the petitioner claimed the relief at par with other similarly placed persons who got relief from the court, The apex court held that the delay not having been satisfactorily explained, the applicant was not entitled to relief due to delay and laches. A similar view was expressed by the Apex court in the case of Ratan Chandra Samanta. 1994 S.C.C.(L&S) 1824. In the case of Jacob Abraham Vs. U.O.I. (1994) 28 ATC (FB). 177 it was held that the decisions in similar cases do not give rise to a fresh cause of action.

5. In view of the foregoing, we are of the view that the application is time-barred and the delay in filing the application has not been satisfactorily explained. The case is, therefore, dismissed in limine.

  
Member(J)

  
Member(A)

(n.u.)