

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 27th day of August 2003.

QUORUM : HON. MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON. MR. D. R. TIWARI, A.M.

O.A. No. 14 of 2003

Laddur Ram S/O Shri Bieshi Ram B/O Village Bardah, District
Azamgarh, E.D.M.P. Branch Post Office Udiyawan, District
Azamgarh.....

.....Applicant.

Counsel for applicant : Sri Niraj Tiwari.

Versus

1. Union of India through the Chief Secretary, Ministry of Communication, Department of Post, New Delhi.
2. Director Postal Services, Gorakhpur Region, Gorakhpur.
3. Senior Superintendent of Post Office, Azamgarh.
4. Sub-Divisional Inspector Lalganj, Azamgarh.

.....

..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

ORDER (ORAL)

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

By this O.A. filed under section 19 of A.T. Act, 1985, applicant has prayed for a direction to Respondent No.3 to pay back wages for the services to the applicant and also to decide his representation filed on 20.9.02 (Annexure-4).

2. It appears that applicant was appointed as Extra Departmental Mail Peon on 22.7.1963. As he absented from duty, he was not allowed to join duty from 26.8.86. He was put off duty on 4.9.86. Thereafter order of punishment was passed against him on 4.11.92 and 17.12.90. All these orders were challenged by filing O.A. No.1757/92. The O.A. was allowed on 20.7.2000 by following order :-



"From the facts above it appears that the Respondents have waited till the period of 180 days was over before putting of the applicant and initiating proceeding under Rule _____ of (Service & Conduct) Rule 1964.

We, therefore, set aside the order of punishment. The applicant shall be allowed to join on his post of E.D.M.P. Udiyawan by the Respondents within three months from the date of receipt of a copy of this order. He shall, however, not be allowed any back wages."

3. Though specific order was passed against applicant that he would not be allowed any back wages, he made hectic efforts to get the back wages. For this purpose he filed representation before Respondent No.3 on 20.9.02.

4. In our opinion, it is a futile exercise by the applicant. For this purpose he also approached Hon'ble High Court by filing writ petition No.19657 of 2001. The order passed by this Tribunal has become final. He is not entitled for back wages. In the circumstances, no direction can be given to Respondent No.3 to decide the representation of the applicant. The O.A. is accordingly dismissed with no order as to costs. However, the applicant is warned that if he files another O.A. for this relief, a heavy cost will be imposed on him.

Dhara
A.M.

[Signature]
V.C.

Asthana/