

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 31st day of MARCH 2004.

Original Application no. 905 of 2003.

Hon'ble Maj Gen K K Srivastava, Member-A
Hon'ble Mr. A K Bhatnagar, Member-J

Arvind Kumar Dwivedi, S/o Sri G.S. Dwivedi,
R/o Vill and Post Khaira,
MIRZAPUR.

.... Applicant

By Adv : Sri V.D. Yadav

V E R S U S

1. Union of India through its Secretary,
Ministry of Communication,
Deptt. of Post, Sansad Marg,
NEW DELHI.
2. The Director Postal Services,
ALLAHABAD.
3. The supdt. of Post Offices, Mirzapur Division,
MIRZAPUR.

... Respondents.

By Adv : Sri P.D. Tripathi

O R D E R

Maj Gen K K Srivastava, AM.

In this OA, filed Under Section 19 of the A.T. Act, 1985, the applicant has prayed for direction to the respondents to grant him promotion on higher post in compliance to the select list dated 24.3.1983 and order/letter dated 06.01.1989/04.02.1989 by ignoring condition no. 2 & 3 of letter/order dated 31.05.1991 passed by respondent no. 3.

2. The case of the applicant, in short, is that

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On 13.10.1982 a notification was issued to fill up the vacancies of Reserved Trained pool (in short RTP) Postal Assistant (in short PA). After due process of selection the select list was declared on 24.3.1983, in which the applicant has been placed at sl no. 15. The applicant underwent practical training at Head Post Office, Mirzapur wef 28.06.1984 to 12.07.1984. The applicant was engaged as RTP PA at Head Post Office, Mirzapur from 25.6.1984 to 2.2.1989. Since there were no vacancies at Mirzapur Head Post Office, the applicant was directed to join at Moradabad Division vide order dated 6.1.1989. However, the SSPOs, Moradabad division vide order dated 09.01.1989 laid down that at the time of occurrence of vacancies in the parental division RTP PAs would be repatriated to their parent division. The grievance of the applicant is that the respondents did not follow the same. The applicant was directed to join at Mirzapur division vide order dated 31.5.1991 (Ann 7).

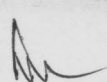
3. In this OA the applicant has claimed seniority in view of his position in the select list dated 24.3.1983.

4. Sri P.D. Tripathi, learned counsel for the respondents submitted that the OA is grossly time barred.

5. We have heard learned counsel for the parties, considered their submissions and perused records.

6. Admittedly, the applicant joined at Mirzapur postal division in the year 1991. He should have raised the issue of his seniority by filing a representation before the authority concerned regarding his seniority

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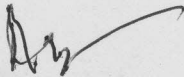


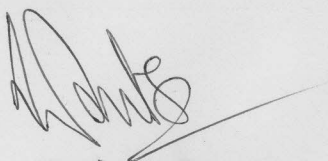
3.

which, as it appears, was not done. The applicant has approached this Tribunal by filing OA on 25.4.2003 i.e. after a lapse of about 12 years after he joined at Mirzapur Postal division. The OA is grossly time barred under provisions of Section 21 of the A.T. Act, 1985.

7. In the facts and circumstances the OA is dismissed being grossly time barred. However, if advised, the applicant may file a representation before the authority concerned and it is open to the authority concerned to decide the same in accordance with law.

8. There shall be no order as to costs.


Member J


Member A

/pc/