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(OPEN COURT)

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD**

ALLAHABAD this the 15th day of *January*, 2007.

ORIGINAL APPLICATION NO. 884 OF 2006

HON'BLE MR. M. JAYARAMAN, MEMBER- A.

Sudhir Kumar, S/o Late Bachchoo Lal,

R/o 127/526, Kanpur-14, Distt. Kanpur Nagar.Applicant.

VER S U S

1. Union of India through the Secretary,
M/o Communication, D/o Dak & Post,
New Delhi.
2. Chief Post Master General, U.P. Circle,
Lucknow.
3. Post Master General, Kanpur Region,
Kanpur.
4. Senior Superintendent of Post Offices,
Kanpur City Division, Kanpur.

.....Respondents

Counsel for the Applicant:

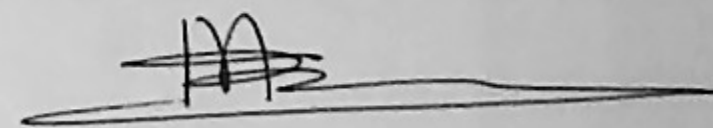
Sri S.K. Yadav

Counsel for the Respondents:

Sri Saumitra Singh

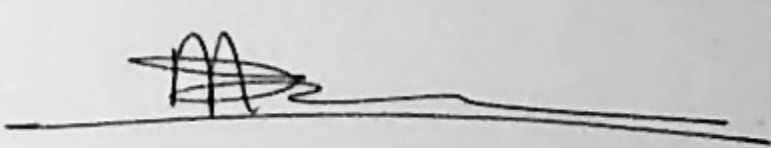
ORDER

The main plea of the applicant in this O.A is for issue^{of} orders to ~~the~~
set aside the order dated 15.01.1998 passed by the respondents
rejecting his request for grant of appointment on compassionate
grounds.



2. I have heard Sri S.K. Yadav, counsel for the applicant and Sri Saumitra Singh, counsel for the respondents on the limitation aspect i.e. M.A No. 2523/06 (Delay Condonation Application. Sri Yadav referred to the pleadings made therein and stated that after receipt of the impugned order dated 15.01.1998 (Annexure -A to the O.A), the mother of the applicant wrote to the respondents on several occasions and finally he was advised on 17.08.2006 by the counsel to file this O.A and he requests for condonation of delay.

3. Sri S. Singh, learned counsel for the respondents referring to the Counter Affidavit submits that in this case, the applicant has approached the Tribunal after lapse of more than 8 years and accordingly the O.A is highly time barred. He submits that the Hon'ble Supreme Court in the case of Mohd. Khalil Vs. UOI & Ors (1997) SLJ(CAT)54 has clearly held that no application shall be admitted by the Tribunal unless it is made within a year from the date on which the final order had been given. In the said judgment, it has further been held by the Hon'ble Apex Court that subsequent moving of representation will definitely not extend the period of limitation. The above view has been confirmed in the case of Sri Niwas Pathak Vs. UOI (1997) 2 SLJ (CAT) 520. He also cited the decision of Hon'ble Apex Court in Bhagmal Vs. UOI & Ors (1997) 2 SLJ (CAT) 543 according to which, the delay cannot be condoned unless sufficient grounds are shown. Thus, learned counsel for the respondents submits that the O.A is highly time barred and as such deserves to be dismissed.



4. I have given my careful consideration to all the submissions made on behalf of the rival sides with regard to the limitation. I have also seen the pleadings on record. I find force in the submissions made by the counsel for the respondents. In this case, the impugned order rejecting the claim of the applicant for grant of compassionate appointment was passed in January 1998 (respondent has indicated ~~the date~~^{as} March 1998). However, the applicant has knocked at the doors of this Tribunal only in August 2006, which is after more than 8 years. In the light of the rulings given by the Hon'ble Apex Court above particularly in the case of Mohd. Khalil (Supra) that repeated representation would not extend the period of limitation, I am of the view that the O.A is liable to be dismissed at the threshold as time barred.

5. Accordingly M.A No. 2523 is rejected. Consequently, the O.A is dismissed as time barred. However, this order will not take away the right of the applicant to pursue the matter with the authorities for which he may file a representation, if any, for compassionate appointment. No costs.



MEMBER- A.

/Anand/