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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 240/94

Cuttack, this the 8th day of February, 1995

Ghanashyam Sethi Applicant

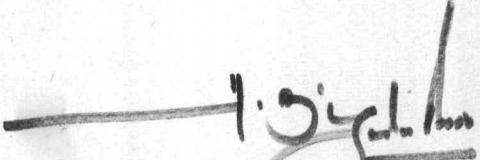
Vrs.

Union of India and others ... Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? No.

2. Whether it be circulated to all the Benches N.
of the Central Administrative Tribunal or not?


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(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATION)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO. 240 OF 1994

Cuttack, this the 8th day of February, 1995.

CORAM:

THE HONOURABLE MR.H,RAJENDRA PRASAD, MEMBER(ADMN.)

Ghanashyam Sethi,
Sub Post Master,
Alanahat,
Jagatsinghpur

....

Applicant

By the Advocate

- Mr.D.P.Dhalsamant.

-versus-

1. Union of India,
represented through the
Chief Post Master General,
Orissa Circle,
Bhubaneswar-753 001

2. Superintendent of Post Offices,
Cuttack South Division,
Cuttack-753 001

3. Senior Post Master,
Cuttack G.P.O,
Cuttack-753 001

...

Respondents.

By the Advocate

- Mr.Ashok Misra,
Senior Standing Counsel.

O R D E R

H. RAJENDRA PRASAD, MEMBER (ADMN.) In this application Shri Ghanashyam Sethi, Sub Post Master, Alanahat, Jagatsinghpur, prays for a direction to be issued to respondent No. 2 to disburse the residual claim amount of Rs. 1000/- in respect of the leave travel undertaken by him during the year 1981. Briefly stated, the applicant, together with his family, travelled to Rishikesh and back (to Cuttack) in May 1981. Thereafter he submitted a claim to the authorities on 7th July 1981. In the normal course the case should have been settled within a reasonable time after deducting the amount of advance drawn by him. However, the same has not been so far, done nor have the applicant's subsequent representations yielded a fruitful result. Hence this application. It is also revealed that at one stage the authorities had decided to recover the advance drawn by the applicant but the same was decided to be dropped.

2. The respondents in their counter-affidavit mention that there is no record of any claim having been received from the applicant at all, and that since the claim has become very belated, no record is at all available at this stage because the prescribed period of their preservation is long over. Shri Ashok Misra, learned Senior Standing Counsel for the Department, also argues that the application is time-barred since the cause of action had arisen in 1981.

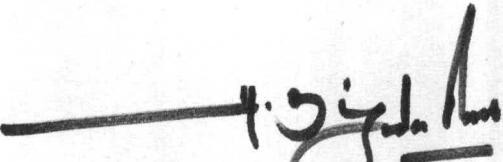
3. It is seen that the applicant had duly submitted his claim to the Post Master, Cuttack G.P.O. on 7th July 1981. He has produced a document which confirms this. Subsequently he is also seen to have represented to the authorities with a request to settle this issue. Copies of such representations have been submitted in the Court and many of these seem to have been duly received by the respondents. Under the circumstances, it is not clear as to how and why this claim was lost sight of by the respondents for thirteen long years. It is, therefore, too late for them to invoke the bar of limitation in this instance since it is noticed from the record that the inaction has been basically on their part and not due to any laches on the part of the claimant.

4. Since, however, the relevant record is said to be no longer available with the respondents, the applicant shall now make a comprehensive representation giving all details of the journeys performed by him, supported by such of the documents or copies of documents which may be available with him. The same shall have to be accepted as correct by the respondents. It is possible too that copies of some of the accompanying documents may not be available any longer with the applicant

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since he had submitted the originals along with the claim. This being the situation, the claim of the applicant shall have to be settled on the basis that the statements are true or correct. The claim may be passed for payment within four weeks from the date of receipt of the applicant's representation by the respondent No.2 after observing the necessary internal administrative formalities.

5. Thus, the Original Application is disposed of.


(H. RAJENDRA PRASAD)

MEMBER (ADMINISTRATIVE)

08 FEB 95

A.N.Nayak, P.S.