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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

C.A. No. 69 of 1998.

Cuttack, this the 8th day of Sept., 2000.

Manguli Charan Mallick. Applicant.

-VERSUS-

Union of India & others. Respondents.

FOR INSTRUCTIONS

1. whether it be referred to the reporters or not? Yes.
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? No.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
VICE-CHAIRMAN
8.9.2000

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 69 of 1998.
Cuttack, this the 8th day of September, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
AND
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

Manguli Charan Mallick,
Aged about 49 years,
Son of Giridhari Mallick,
At/Po:Barimunda,
Via. Phulanakhara,
Dist. Khurda.

: Applicant.

By legal practitioner: M/s. B. S. Tripathy, M. K. Rath, Advocates.

-Vrs.-

1. Union of India represented by
its Chief Postmaster General,
Orissa Circle,
At/Po:Bhubaneswar,
Dist:Khurda.
2. Superintendent of Post offices,
Cuttack South Division, Cuttack,
Post:Dist:Cuttack.

: Respondents.

By legal practitioner: Mr. B. Bash, Addl. Standing Counsel.

J. Som.

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN

In this original Application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order dated 27.6.1990 imposing punishment of compulsory retirement on him, as also the order dated 23.2.1992 rejecting the prayer of Sailabala Nayak, wife of the applicant for getting appointment for herself or her son. The second prayer is for a direction to the Respondents to reinstate the applicant. Respondents have filed counter opposing the prayers of applicant.

2. For the purpose of considering this petition it is not necessary to go into too many facts of this case. Applicant's case is that he was working as a Postman and in a Departmental proceedings in which the charge was that he had forged the signature of payee and witness in respect of certain money orders and had misappropriated certain amount, ^{he} ~~he~~ was compulsorily retired from service in the order dated 27.6.1990 at Annexure-1. This order of 1990 has been challenged in this Tribunal in the present original Application filed eight years thereafter. In the original Application the applicant has not stated if he has filed any appeal against this order. He has merely stated that he has filed representations. Thus, prima facie the petition is grossly barred by limitation. There is also no petition seeking condonation of delay, much less ^{an} affidavit in support of this petition. In consideration of the above, we hold that the prayers of applicant for quashing the order at Annexure-1 is not maintainable because of delay and is accordingly rejected.

3. Second prayer of the applicant is for quashing the order at Annexure-2 in which the wife of applicant has been

informed that her husband was compulsorily retired from service and her request for granting her or her son an appointment in service can not be entertained. This is not a case of compassionate appointment and therefore, the applicant's wife and son can not claim appointment under Respondents. This prayer is also therefore, held to be without any merit and is rejected.

4. In the result, therefore, we hold that the application is without any merit and is rejected. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

KNM/CM.

S. NARASIMHAM
S. NARASIMHAN
VICE-CHAIRMAN
8.7.2000