

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 09.12.1998

O.A. No. 295/1998

Bhanwar Lal Verma son of Shri Kanhaya Lal, aged about 59 years resident of Jagdamba Gali, Patel Chowk, Jodhpur - Official Address : Ex-S.P.M., Kamla Nehru Nagar Post Office, Jodhpur.

... Applicant.

v e r s u s

1. Union of India through the Secretary of Posts and Telegraphs, Department of Posts, Dak Bhawan, New Delhi.
2. The Post Master General, Rajasthan Western Region, Jodhpur.
3. The Director Postal Services, Western Region, Jodhpur.
4. Senior Superintendent of Post Offices, Jodhpur.

... Respondents.

Mr. Kamal Dave, Counsel for the applicant.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member
Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

(Per Hon'ble Mr. A.K. Misra)

Applicant, Bhanwar Lal Verma, has filed this application with the prayer that the orders Annexure A/1 dated 19.1.1998 and Annexure A/2 dated 31.3.1992 be quashed and the respondents be directed to treat the applicant as in service with all consequential benefits.

2. We have heard the learned counsel for the applicant.

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3. The learned counsel for the applicant has argued that as per the directions given by the Tribunal in order dated 29.4.92 passed in OA No. 186/92, the applicant was first to avail the departmental remedies. In consequence thereof, the applicant made a representation to the department on 24.8.92 (Annexure A/4) and a reminder was given by the applicant to the respondents on 5.12.1997 (Annexure A/5) because the department had taken more than five years to dispose of the representation. It is contended by the learned counsel for the applicant that the department without considering the representation on merits disposed of the matter by treating the letter dated 5.12.97 as appeal and held it to be barred by time.

4. We have considered the facts and the documents available on the file. In our opinion, the department did not consider the representation made by the applicant on 24.8.1992 (Annexure A/4) against the order of the department dated 31.3.1992 (Annexure A/2) and simply disposed of the matter by treating the letter dated 5.12.97 as appeal and held it to be time barred. In our opinion, the impugned order dated 19.1.98 had been passed without application of mind and simply disposed of the matter which affects the career of the applicant, as time barred. In our opinion, at this stage of admission, the matter can be disposed of with a direction to the respondents to consider the representation of the applicant dated 24.08.92 (Annexure A/4) on merits and pass a reasoned speaking order within a period of four months from the date of communication of this order and communicate the same to the applicant. The applicant would be free to agitate the matter in case he feels aggrieved of the decision taken by the respondents on his representation dated 24.8.92.

4. The O.A. is accordingly disposed of at admission stage itself. Let a copy of the O.A. alongwith this order be sent to the respondents for necessary action.

Gopal Singh

(Gopal Singh)
Adm. Member

24.12.98

(A.K. Misra)
Judl. Member

Recd Copy
Recd
15/12

Copy of order &
along with petition no. 47
Amexue sent to R.I. & R.I.
by Regd A/c vicle
No. 483 to 486
Date 15/12/98

15/12/98

Part II and III destroyed
in my presence on 15/12/98
Under the supervision of
Section Officer (S) as per
order dated 28/12/98

Section Officer (Record)

R.I. 123
R.I. & R.I. 123
6/1/98