

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 189 of 1993.

DATE OF DECISION 18.3.93

P.K.Mani _____ Applicant(s)

Ms. Treasa Rani George rep. Advocate for the Applicant(s)
Mr. PB Radhakrishnan
Versus

Sr. Supdt. of Post Offices, Respondent(s)
Ernakulam and 2 others

Mr. Joy George, ACGSC Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. S.P.Mukerji, Vice Chairman
and

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? N
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. To be circulated to all Benches of the Tribunal? N

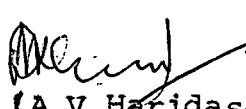
JUDGEMENT

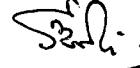
(Hon'ble Mr. A.V.Haridasan, Judicial Member)

The applicant who had worked as E.D. Letter Box Peon for some time intermittently prior to 1979 is aggrieved by the termination of his service in the year 1979. It appears that the applicant had been making representations but he has not moved any legal forum to redress his grievance if any for all these years. Now after the lapse of 13 years, the applicant has filed this application praying for a declaration that the termination of his service in the year 1979 was null and void and for a direction to reinstate the applicant in service. The applicant has also filed an M.P. for condonation of delay. The only reason alleged

in the M.P. for condonation of delay is that as the applicant was told that there was no records with the respondents showing his previous engagement he was not considered for further engagement. That to our mind does not appear to be a convincing reason for condoning the delay. The grievance of the applicant in this case has arisen in the year 1979 long prior to the commencement of the Administrative Tribunals Act. This is a grievance for which this Tribunal has no jurisdiction to entertain. The learned counsel for the applicant brought to our notice that a Lawyer's notice was issued on behalf of the applicant to the respondents projecting his grievance in 1990 and that no reply has been received thereto. He submits that that has brought him a new cause of action. We are not persuaded to agree that merely sending a Lawyer's notice after a decade would revive the cause of action.

2. In the above background we find that there is no subsisting legitimate grievance of the applicant which this Tribunal can adjudicate upon. Hence the application is rejected under Section 19(3) of the Administrative Tribunals Act. M.P. for condonation of delay and M.P. for dispensing with order impugned are also dismissed.


(A.V. Haridasan)
Judicial Member


18.3.93
(S.P. Mukerji)
Vice Chairman

18.3.93