

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.41/04

Tuesday this the 17th day of February 2004

C O R A M :

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER

1. V.Chandrashekharan,
S.G.Mailman, RMS "EK" Division,
Thrissur - 21.
2. K.V.Gangadharan,
LSG Sorting Assistant,
Sub Record Office,
RMS "EK" Division,
Thrissur.

Applicants

(By Advocate Mr.Rajesh Vijayan)

Versus

1. Sub Record Officer,
Sub Record Office,
RMS "EK" Division,
Thrissur.
2. The Postmaster General,
Central Region,
Kochi - 16.
3. The Superintendent of Post Offices,
Thrissur Division, Thrissur.
4. The Chief Postmaster General,
Kerala Circle, Thiruvananthapuram.
5. The Director General of Posts,
Dak Bhavan, New Delhi.
6. Union of India, represented by its
Secretary, Ministry of Communications,
New Delhi.

Respondents


(By Advocate Mr.C.Rajendran,SCGSC)

This application having been heard on 17th February 2004
the Tribunal on the same day delivered the following :

O R D E R

HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN

Applicants 1 and 2 who are presently working as SG Mailman
and LSG Sorting Assistant respectively have filed this
application for a declaration that they are eligible and legally



entitled to be appointed to Class IV with effect from 15.1.1976 the date on which Shri.K.Sankaranarayanan the alleged junior of the applicants was given regular appointment as Class IV in the Department and for appropriate directions to the respondents to fix the pay of the applicants with effect from 15.1.1976 and to give them the arrears. It is alleged in the application that the applicants 1 and 2 participated in the Class IV examination held in the year 1975, that the result of the examination, which was held in 1975-76, was published after final disposal of the Writ Appeal No.25/77 by the Hon'ble High Court of Kerala vide its judgement dated 10.10.1997 and that the applicants were placed at Serial No.3 and 2 respectively in Annexure A-2 select list of candidates and Annexure A-3 seniority list, that however, the applicants were appointed only with effect from 12.10.1977 while K.Sankaranarayanan who was junior to them was appointed on 20.1.1976, that this suppression of seniority of the applicants resulted in loss to them in the matter of fixation of pay, that although the applicants submitted representations claiming parity in date of appointment with their junior K.Sankaranarayanan in the year 1995 the claim was rejected in the year 1996, that again they made representations in the year 1998 which were also turned down on the ground that records were missing, that the final representation made by the applicants in the year 2002 was also disposed of stating that records were missing and that as the responsibility of maintaining the records of selection is that of the administration the action on the part of the respondents in not rectifying the mistake is arbitrary, irrational and wholly unjustified.

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2. We have carefully gone through the application and have heard Shri.Rajesh Vijayan, learned counsel of the applicants and Shri.C.Rajendran,SCGSC for the respondents. Counsel for the respondents argued that the case does not deserve admission as the claim of the applicants, if any, has been hopelessly barred by limitation as also because the Tribunal does not have the jurisdiction to entertain the grievance.

3. We find that there is considerable substance in the objection raised by the learned counsel for the respondents. The grievance in this case arose in the year 1977 when the applicants were appointed only with effect from 12.10.1977 while person, who according to them, should have been appointed after them have been appointed on 15.1.1976. This is a grievance which has arisen far more than three years prior to the commencement of Administrative Tribunals Act and therefore this Tribunal does not have the jurisdiction to entertain the application. Further the grievance of the applicants is stale and time barred and has been lost by law of limitation.

4. In the light of what is stated above finding that the Tribunal does not have the jurisdiction and that the issue is barred by limitation we reject this application under Section 19(3) of the Administrative Tribunals Act, 1985. No costs.

(Dated the 17th day of February 2004)


H.P.DAS
ADMINISTRATIVE MEMBER


A.V.HARIDASAN
VICE CHAIRMAN