

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 457 /2008

This, the 28th day of July 2010

HON'BLE DR. A.K. MISHRA, MEMBER (A)

1. Vimal Kumar Singh aged about 27 years, son of Late Sri Kesh Bahadur Singh Ex-APM Katara Maniganj, Pratapgarh, reident of Bhadohi (Katra Maniganj), District Pratapgarh.

2. Smt. Sarla Devi Singh widow of Late Sri Kesh Bahadur Singh Ex-APM Katra Maniganj, Pratapgarh, resident of Bhadohi (Katra Maniganj) District Pratapgarh.

Applicants

By Advocate: R. S. Gupta.

VERSUS

1. Union of India through the Secretary, Department of Post, Dak Bhawan, New Delhi.

2. Chief Post Master General, U.P. Circle, Lucknow.

3. Senior Superintendent of Post Offices, Pratapgarh.

Respondents

By Advocate Sri Amarnath Signh

ORDER

BY HON'BLE DR. A. K. MISHRA, MEMBER (A)

This application has been made challenging the decision of the respondents authorities in rejecting the claim of the applicant for appointment on compassionate ground. The prayer in the application is to set aside the orders dated 8.10.2002 and 1.9.2008 as contained in Annexures 1A and 1B of the application and to direct the competent respondent authorities to reconsider the case of the applicant.

2. The father of the applicant expired on 4.1.1994 while he was working as Sub Post Master, Katara Maniganj, District Pratapgarh. At the time of the death of his father, the applicant was a minor; according to him, he

made a representation for compassionate appointment after he attained the age of majority. But no specific date is mentioned in the application when the representation was made. However, as seen from the impugned order his application was considered by the Circle Relaxation Committee on 8.10.2002 but was not allowed on the grounds stated in the impugned order dated 8.10.2002. Subsequently the applicant made a representation on 10.7.2004 again for compassionate appointment. The respondent authorities had also received representation of the mother of the applicant and informed the applicant in the impugned order dated 1.9.2008 that the Circle Relaxation Committee had considered all the factors and rejected his application in its meeting held on 26/27.2.2002.

3. The respondents have raised the objection that this application is barred by limitation. According to them, the cause of action arose when the decision of the CRC was communicated to the applicant on 8.10.2002. The applicant had not taken any steps to file O.A. against that order within the period of limitation. I find that no prayer for condonation of delay has been made in this application; neither any justification has been given to account for the delay in filing the O.A. On the other hand, the applicant has taken the stand that the application has been made within time ostensibly on the ground that he has challenged the letter dated 1.9.2008 which again communicated the decision of the Circle Relaxation Committee held on 26/27.2.2002. It is trite law that subsequent representations do not give a fresh cause of action. His case was considered by the committee in the year 2002 and the decision of the

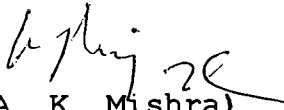
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committee was communicated to the applicant in the letter dated 8.10.2002 of Respondent No. 3. He has challenged that decision now in the O.A. which was filed on 25.11.2008. Clearly, the application has been filed after 6 years one month and 17 days and there is no prayer for condonation of delay. In the absence of any prayer for condonation of delay, this Tribunal has no jurisdiction to entertain this application which is barred by limitation. In Ragho Singh Vs. Mohan Singh reported at 2000 RD (91) 689, it was held that "in case application for condonation of delay is not filed along with the case, the authority would have no jurisdiction xxxxxx."

4. In Bhoop Singh Vs. Union of India and others reported at (1992) 21 ATC 675, the Hon'ble Supreme Court has held that "xxxxxx inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. xxxxxxxx."

5. In the result, the application is dismissed as barred by limitation. No costs.


(Dr. A. K. Mishra)
Member (A)