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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH : CAMP : NAGPUR

O.A. 562 of 1989

Present : Hon'ble Mr. A.P.Bhattacharya, Judicial Member  
Hon'ble Mr. P.S.Chaudhuri, Administrative Member

V. T. SHENDE

VS

UNION OF INDIA & ORS

For the applicant : Mr. Y.B.Phandnis, counsel

For the respondents : None

Heard on : 18.1.90 : Order on : 19.1.90

J U D G E M E N T

A.P.Bhattacharya, J.M. :

This application under section 19 of the Administrative Tribunals Act, 1985, has been filed by Shri V.T. Shende against the Union of India, represented by the Secretary, Ministry of Communication and another. In his application the applicant has prayed for payment of his correct pension.

2. The applicant worked as a Clerk in the Dead Letter Office at Nagpur under the Post & Telegraph Deptt. from 11.4.47 to 2.5.56. In 1955, he was found suitable for appointment to the post of Naib Tahsildar. Previously Nagpur was within the State of Madhya Pradesh. Subsequently, it was included in the State of Maharashtra. On being selected he was directed to join in the aforesaid post at Balapur within the district of Akola. On 20.4.56 he applied to respondent No. 1, the then Post Master General, Central Circle, Nagpur, to release him early so that he could join the post for which he was selected. On 2.5.56 he was relieved from that post. He applied for transfer of his past service <sup>to</sup> within the State of <sup>Madhya Pradesh</sup> ~~Maharashtra~~. On 18.8.56 respondent No. 1 intimated him that the Government of Madhya Pradesh was not agreeable to transfer his past

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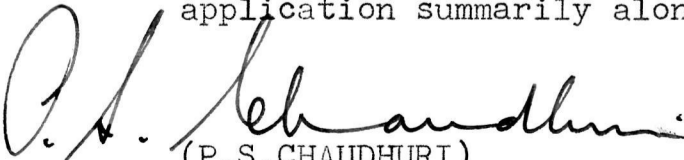
service to the State of Maharashtra and keep his lien there. He observed that the applicant on his joining the new post would be treated to have resigned from his earlier Deptt. from 3.5.56. After joining the post of Naib Tahasildar, the applicant was promoted subsequently as Deputy Collector under respondent No. 2. He retired from service on 31.8.84. On 5.6.84 he submitted an application for taking into account his past service for nine years. He submitted several reminders thereafter, but to no effect. In filing the application he has prayed for issuing direction upon the respondents so that his correct pension be paid at an early date.


3. On a consideration of the materials on record, we are of opinion that as the applicant's claim has become stale and hopelessly barred by limitation, it is not at all fit for adjudication by this Tribunal. First we refer to Annexure-A2 to the application, which is dated 20.4.56. By this letter addressed to the Post Master General, Central Circle, Nagpur, the applicant made a request to take action to retain his lien in the post of Clerk at the Dead Letter Office till he was confirmed in his new post of Naib Tahashildar. Next, we refer to Annexure-A3 from which we get that getting a reply that his earlier Department had expressed its inability to retain his lien and had asked him to tender his resignation of his earlier post, he made a prayer for releasing him at an early date so that he could join his new post of Naib Tahashildar. In reply to that, the letter in Annexure-A4 was given on 1.5.56 by which he was informed that arrangements were being made for his early release on the condition that he would be prepared to resign from his earlier post. Being aware of the position and with his eyes open the applicant joined his new post of Naib Tahashildar. Now, we refer to Annexure-A 6 which is dated 18.8.56. By this letter the applicant was informed that the Govt. of Madhya Pradesh was not agreeable to transfer his past service and retain his lien. So,

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all we get is that the applicant got a final reply to the point now raised as early as in August 1956. Next comes Annexure-A7. After a long lapse of more than two decades the applicant made an application on 5.7.83 reiterating his earlier claim. Thereafter in seriatim he made representations to the Govt. of Maharashtra. In reply to his representations the letter in Annexure-A11 was given to the Accounts Officer of the office of the Director of Postal Services, Nagpur on 8.8.85 enclosing the earlier letters issued by the Postal Deptt. in 1955 and 1956. Annexure-A13 shows that on 16.1.86 the Assistant Post Master General, Madhya Pradesh Circle intimated that the records concerning the applicant were destroyed as per rules. The applicant retired from service on 31.8.84 and after retirement he started pursuing his earlier claim. Annexure-A14 is a copy of a letter submitted by the applicant on 9.12.85 to the Post Master General, Madhya Pradesh Circle. Annexure-A15 shows that he pursued the matter again on 1.3.86. In our opinion, the matter was closed long before/<sup>that</sup> is in 1955-56. Such being the position, the applicant cannot be permitted to revive his old claim which is stale and hopelessly barred by limitation. In his application for condonation of delay, he has annexed medical certificates showing the illness of some of the inmates of his family. But we find that those were matters of subsequent period. When the applicant wanted to revive the matter it became already stale and barred by limitation. Subsequent illness of some of the inmates of his family cannot be <sup>a</sup> ~~the~~ ground sufficient for condonation of the inordinate delay in filing this application. So, considering all, we are of opinion that this application is not at all fit for adjudication and as such it along with M.P. 878 of '89 is liable to be rejected.

4. In view of our findings made above, we dismiss this application summarily along with M.P. 878 of '89.

  
(P.S. CHAUDHURI)  
ADMINISTRATIVE MEMBER  
19.1.90

  
(A.P. BHATTACHARYA)  
JUDICIAL MEMBER  
19.1.90