

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1257/99

DATE OF ORDER : 19.1.2001

Between :-

S.K.Ghouse Azam

...Applicant

And

1. Union of India rep. by
Director General, Dept. of Posts,
Dakbhawan, Sansad marg,
New Delhi.
2. The Postmaster General,
Kurnool Region, Kurnool.
3. The Directorate of Postal Services,
O/o PMG, Kurnool.
4. The Superintendent of Post Offices,
Proddatur Division,
Cuddapah District.

...Respondents

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Counsel for the Applicant : Shri Krishna Devan

Counsel for the Respondents : Shri V.Vinod Kumar, Addl.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI V.RAJAGOPALA REDDY : VICE-CHAIRMAN

THE HON'BLE SHRI M.V.NATARAJAN : MEMBER (A)

(Order per Hon'ble Justice Shri V.Rajagopala Reddy, VC).

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...2.

(Order per Hon'ble Justice Shri V.Rajagopala Reddy, VC).

The applicant was appointed as Short Duty Postal Assistant in 1981. According to the applicant he is entitled to be absorbed as regular Postal Assistant immedietly after completion of six months. The case of the applicant is that he had completed the said period for absorption with effect from July, 1982. Though the applicant made several representations for absorption, he was absorbed only in 1989 as regular postal Assistant. Even thereafter he made representations against delay in absorption and his representations were not responded. Finally he made representation on 7.8.1998 and the same was rejected on 21.10.1998. The present OA is now filed in 1999 to declare that he is entitled to be regularly appointed as regular postal assistant with effect from July, 1982.

2. Heard the counsel for the applicant and respondents. We are of the view that this OA is hoplessly barred by limitation. Admittedly the cause of action arose in July, 1982 and it is also admitted that the applicant made several representations to appoint him as regular Postal Assistant as vacancies were available at that time but he was absorbed only in July, 1989. Even ^{after} / his regular appointment in 1989, he made representations but they were not responded except the impugned order dated 21.10.1998 when his representation dt. 7.8.1998 was made. As the cause of action arose in 1982 July, he should have ~~filed the OA~~ within the relevant statute the limitation provided under ~~section 22 of the L.T. Act, 1968.~~

Atleast even after when he was regularly appointed in 1989 and

when his representations were not responded to, he should have come to this Tribunal questioning the order of appointment on the ground that he was to have been appointed regularly as early as in July, 1982. As the applicant has been sleeping all through, it is not open to him to ~~wake~~ up the issue after about 17 years to agitate the issues. It is to be seen that several persons must have been appointed regularly and any interference with the appointment of the applicant would adversely affect ~~other~~ ^{the} interests and their seniority. Section 21 of the A.T. Act makes it abundantly clear that "a Tribunal shall not admit an application" in case the OA was not filed within the period of limitation. It is also seen that no application is filed to condone the ~~delay~~ ^{delay} in filing the O.A. The O.A. is therefore dismissed with no order as to costs.

Curontom
(M.V. NATARAJAN)
Member (A)

Ombygulandy
(V.RAJAGOPALA REDDY)
Vice-Chairman

Dated: 19th January, 2001.
Dictated in Open Court.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDRA BAD BENCH: HYDRA BAD

COPY TO

1ST AND 2ND COURT

1. HVRGRO ✓
2. H3SOPM MEMBER (JUDL)
3. HMML MEMBER : (ADMN)
4. D.T. (ADMN) ✓
5. SPARE ✓
6. ADV. CATE
7. STANDING COUNSEL

TYPED BY
COMPILED BY

• CHECKED BY
APPROVED BY

THE HON'BLE MR JUSTICE V.RAJA GOPAL REDDY
VICE-CHIRMAN ✓

THE HON'BLE MR S.S. JAI PARMEGHWAR
MEMBER (JUDL)

THE HON'BLE MR M.V. NATARAJAN
MEMBER : (ADMN) ✓

DATE OF ORDER: 19/1/2001

MA/PA/2001/2001

IN

C.A. NO : 1257/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED ✓

ALLEGED

C.P. CLSSED

R.A. CLSSED

DISMISSED WITH DIRECTIONS

DISMISSED ✓

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

