

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

C.A.No.146/98

Date of order: 14.5.1998

Ahmed Khan, S/o Shri Mohamad Khan, Resident of Aligarh, District Tonk, Rajasthan.

...Applicant.

Vs.

1. The Union of India through the Secretary, Ministry of Post & Telegraph, New Delhi.
2. Director General, Post & Telegraph Offices, New Delhi.
3. Post Master General, Rajasthan, Jaipur.

...Respondents.

Mr. Narendra Mishra - Counsel for applicant.

CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member.

PER HON'BLE MR. RATAK PRAKASH, JUDICIAL MEMBER.

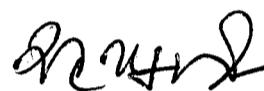
Applicant Shri Ahmed Khan has filed this application under Sec.19 of the Administrative Tribunals Act, 1985, seeking a direction against the respondents to take the applicant in service with all due benefits and consequential benefits.

2. The learned counsel for the applicant has been heard at length for admission.
3. It is the case of the applicant that he was appointed as EDDA in Branch Post Office, Aligarh (District Tonk) in the year 1955. He passed the Postmanship Examination in the year 1960 and thereafter he was posted at GPO, Jaipur on 14.1.1961, as is evident from Ann.A-1 dated 23.8.1960.
3. It is the grievance of the applicant that after he fell ill on 20.11.1961, he left the Head-quarters after taking permission from his superior of the GPO, Jaipur and that necessary Medical Certificates of his treatment were sent to the GPO from time to time. On 5.6.91, he requested to his superiors for his transfer to any other place. Vide order No.304/136 dated 8.2.1962 (Ann.A2), he was transferred to the Superintendent of Post Offices, Kota, but he was not given a posting order to join duty there. It is also the case of the applicant that he was informed on 13.6.1964 from GPO that he should produce a fitness certificate of the Surgeon and he did so by submitting the fitness certificate of C.M.O, Tonk but even thereafter he was not taken on duty or transferred to any other place. He made a detailed representation on 1.4.1997 (Ann.A3) and sent reminders on 23.4.97 and 14.5.97 (Ann.A4 & A5). In response to his representation, the respondents sought some information vide their letter dated 12.8.97 (Ann.A6) and compliance thereof was done by the applicant by submitting photo copies of all

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the documents through registered post on 20.8.97. The applicant sent a legal notice on 4.11.97 when nothing was heard from the respondents' side. Aggrieved, he has filed this O.A to claim the aforesaid relief.

4. This is a matter in which limitation is the greatest hurdle. The applicant was informed vide Ann.A2 dated 8.2.62 that his case regarding his request for transfer has been referred to the Superintendent of Post Offices, Kota, as intimated by the SSPO, Jaipur. There has been no transfer or posting order of the applicant to Kota. Further, the applicant failed to take necessary steps even after 1964 when he was asked to produce a fitness certificate of the Surgeon on 13.6.64. The cause of action having been lapsed long long ago and it cannot stand revived by the representation made by the applicant on 1.4.1997. The O.A is highly belated and suffers from bar of limitation under the Administrative Tribunals Act, 1985. The application is, therefore, dismissed as not maintainable at the stage of admission.



(Ratan Prakash)  
Judicial Member.