

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 26.11.2000

OA No.56/1998 with MA No. 36/98

Chote Lal Cheepi s/o Shri Moti Lal r/o village and post office Wazirpur, Teh. Gangapur City, Distt. Sawai Madhopur.

.. Applicant

Versus

1. Union of India through the Director General, Ministry of Communication, Department of Posts, Dak Bhawan, New Delhi.
2. The Chief Postmaster General, Rajasthan Circle, Jaipur.

.. Respondents

Applicant present in person

Mr. Hemant Gupta, proxy counsel to Mr. M.Rafiq, counsel for respondents.

CORAM:

Hon'ble Mr. Justice B.S.RaiKote, Vice Chairman

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr. N.P.Nawani, Administrative Member

In this Original Application, the applicant prays that verbal termination of his services as Extra Departmental Mail Carrier (for short EDMC) on 1.8.1992 may be declared illegal and respondents may be directed to give appointment to the applicant on the said post w.e.f. 1.8.1992 with consequential benefits.

2. We have heard the applicant in person and learned counsel for the respondents and have also perused all the material on record.
3. The applicant's services as EDMC were verbally terminated on 1.8.1992. His grievance thus arose on 1.8.1992. He has, however,



filed this OA on 12.2.1998 whereas he should have filed the OA within one year of 1.8.1992. The OA is, therefore, hopelessly barred by limitation. Misc. Application No. 36/98 has been filed on behalf of the applicant for condonation of delay but no cause at all has been shown to explain such a long delay of more than 6 years and the MA is accordingly liable to be dismissed. In a catena of judgments, the Apex Court has held that law of limitation should be strictly followed. In JT 1998 (7) SC 21, P.K.Ramchandran v. State of Karnataka and anr., it has been held by the Supreme Court that "law of limitation may harshly affect a particular party but it has to be applied with full force when the statute so provides and Courts have no power to extend the period of limitation on equitable grounds". Section 21 of the Administrative Tribunals Act, 1985 stipulates that in case of a final order made in connection with a grievance, the OA must be filed within one year of such order. In the present case, the termination was undisputedly made on 1.8.1992 and OA was filed on 12.2.1998 and the OA is, therefore, hopelessly barred by limitation and is, therefore, liable to be dismissed on this count alone.

4. The OA does not succeed even on merits also. It appears that one Umrao Shah, the regular EDMC of ED Branch Office, Parita proceeded on leave w.e.f. 1.8.1991. Shri Umrao Singh himself offered the applicant as his substitute at his risk and responsibility and the applicant was verbally appointed as EDMC on 30.8.91 on temporary basis. The said Umrao Shah remained on unauthorised absence and was ultimately removed from service. The applicant worked only as a substitute till 31.7.1992. Simultaneously, the process of filling up the vacancy of EDMC, Parita was initiated and finally one Shri Murari Lal Sharma was selected after obtaining names from the Employment Exchange and appointed on the said post w.e.f. 6.11.1993. In the circumstances,

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the applicant had absolutely no right on the said post of EDMC and there is no justification for us to interfere with the verbal orders of termination of such stop-gap arrangement. The OA, therefore, has no merits also and liable to be dismissed.

5. In the circumstances, the OA deserves to be dismissed both on the grounds of limitation and having no merits. It is accordingly dismissed with no order as to costs.

6. In view of above, MA No. 36 of 1998 also stands dismissed.



(N.P. NAWANI)
Adm. Member



(B.S. RAIKOTE
Vice Chairman