

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.417/2000

Date of order: 29.3.2001

Chaturbhuj Koli, S/o Sh.Narain Lal Koli, R/o House
No.1/65, Ganesh Tabab, Dadabadi, Kota.

...Applicant.

Vs.

1. Union of India through Chief Postmaster General,
Rajasthan, Jaipur.

2. Senior Supdt.of Post Offices, Kota Division, Kota.

...Respondents.

Mr.P.C.Swami - Counsel for applicant.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr.A.P.Nagrath, Administrative Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the Administrative Tribunals Act, 1985, the relief sought by the applicant is to declare the impugned orders dated 29.4.1982 and 14.5.1982 regarding appointment of Chaturbhuj Sharma as illegal and direct the respondents to make the appointment of the applicant on the post of Postman in view of the position given by Employment Exchange, Kota, in Annex.A3 with all consequential benefits.

2. Heard the learned counsel for the applicant on admission and also perused the whole record.

3. The main purpose of limitation as provided under Sec.21 of the Administrative Tribunals Act is that the Govt servant who has legitimate claim should immediately agitate for the same on getting the final order within a period of one year and if representation has not been replied then within six months from the date of representation.

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4. In Bhoop Singh Vs. UOI, AIR 1992 SC 1414, it was held by Hon'ble Supreme Court that the inordinate delay or latches itself is a good ground to refuse relief irrespective of the merit of his claim.

5. In U.T.Daman & Deav & Ors Vs. R.K.Valand, 1996(1) SCC (L&S) 205, the Hon'ble Supreme Court held that the Tribunal fell in patent error in brushing aside the question of limitation by observing that the respondents has been making representations from time to time and as such the limitation would not come in his way.

6. In Union of India Vs. Harnam Singh, 1993 SCC (L&S) 375, the Hon'ble Supreme Court held that Courts and Tribunal cannot come to the aid of those who sleep over the right and allow the period of limitation to expire.

7. In Ratan Chandra Vs. UOI, JT 1993(3) SC 418, Hon'ble Supreme Court held that a person who sleepsover his grievances losses his right as well as remedy.

8. In Ramesh Chandra Sharma Vs. Udh;an Singh Kamal & Ors, 2000(1)SCSLJ 178, Hon'ble Supreme Court held that the Tribunal was not right to overlooking the statutory provisions regarding limitation as contained in Sec.21(1)(B) of the AT, Act.

9. Admittedly, the selection in question on the post Postman pertains to the year 1982 and the applicant challenged by way of this O.A the impugned orders dated 29.4.82 and 14.5.82 on 6.9.2000 i.e. after lapse of 18 years. The Administrative Tribunals Act, 1985 also provides only one year limitation for challenging the orders passed by the competent authority, before this Tribunal. Therefore, in our considered view, this O.A is hopelessly barred by limitation.

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10. We, therefore, dismiss the O.A as hopelessly barred by limitation at the stage of admission in limine.

Nagrath
(A.P.Nagrath)

Member (A).

Surjeet
(S.K.Agarwal)

Member (J).