

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

* * *

Date of Decision: 24.1.2003

OA 283/2002

Hanuman Prasad s/o Shri Budhram r/o Village Heerapura, Post Kajra, Distt. Jhunjhunu.

... Applicant

Versus

1. Union of India through Secretary, Department of Posts, Dak Bhawan, Sansad Marg, New Delhi.
2. Chief Postmaster General, Rajasthan Circle, Jaipur.
3. Postmaster General, Western Region, Jodhpur.
4. Supdt. of Post Offices, Sikar Division, Sikar.
5. Supdt. of Post Offices, Jhunjhunu Division, Jhunjhunu.

... Respondents

CORAM:

HON'BLE MR.JUSTICE G.L.GUPTA, VICE CHAIRMAN

HON'BLE MR.A.P.NAGRATH, ADM. MEMBER

For the Applicant

... Mr.P.N.Jatti

For the Respondents

... Mr.Arun Chaturvedi

O R D E R

PER MR.A.P.NAGRATH

The relief prayed for by the applicant in this OA is stated in following terms :

"That by a suitable writ/order or direction the respondents be directed to sanction pension, to issue PPO in favour with all the retiral benefits as the applicant be treated as an retired employee after rendering the qualifying service. All the payments be made to the applicant within a short period by quashing the impugned order vide Ann.A/1 dated 1.11.2001."

2. The facts, as stated by the applicant, are that he was initially appointed as EDDA in the Village Post Office, Kejra, in 1954 and later as EDBPM in 1956. It is stated that he further came to be appointed in 1960 as a Postal Clerk and worked upto 1972. He admits that he has submitted a very delayed representation for grant of pension and gratuity and GPF but he is being denied the same.

3. The respondents in their reply have stated that the applicant has absolutely no basis for the relief prayed for, for the reason that he was appointed to the post of Clerk only w.e.f. 9.9.61 and he worked upto 13.5.71. By letter dated 5.3.73, his resignation was accepted w.e.f. 13.5.71 (Ann.R/1). The respondents have also taken a plea that the matter

is very old and hopelessly time barred. Under the Rules, they were required to keep the record of any employee only for a period of three years after he remains no more in active service. It has been stated that with whatever records could be gathered, the respondents have framed their response. As per the facts available, the applicant is not entitled to any pension benefits.

4. On our directions, the learned counsel for the respondents has filed an additional affidavit, wherein it has been reiterated that applicant's resignation was accepted w.e.f. 13.5.71 vide letter dated 5.3.73. His personal file was kept in record for three years after he ceased to be a member of the department. Of course, the respondents have also made available to us service record of the applicant, which they have been able to retrieve.

5. Having heard the learned counsel for the parties and having seen the records, we are convinced that this OA is hopelessly barred by limitation. The learned counsel for the applicant, Shri P.N.Jatti, has taken a plea that no resignation can be accepted from a retrospective date and the document annexed by the respondents as Ann.R/1 was never received by the applicant. His argument was that since the applicant had joined service in September, 1961, he had certainly put in more than 10 years of service i.e. the minimum service required to become eligible for pension, by 5.3.73, when his resignation was actually accepted.

6. We do not find any force in this argument. Plea of the applicant that he did not receive the letter of acceptance of his resignation, is liable to be rejected outright. He is aware that he has not been attending to his duties eversince 14.5.71. Whatever was the situation in the last 31 years, he has acquiesced with that. He cannot be heard to be saying now that his resignation could not have been accepted from a back date and he should be treated to have been on duty right upto 5.3.73. The applicant cannot be allowed to agitate this matter after a lapse of almost 30 years. He has not been getting his pension and he never cared to seek any remedy from any appropriate forum. After having slept over the situation for such a long period, he cannot expect the matter of effective date of his resignation to be reopened. As on 13.5.71 he had certainly not completed 10 years of service and is thus not entitled to receive any pension.

7. We, therefore, dismiss this OA as totally devoid of merits. No costs.

ChpD
(A.P.NAGRATH)
MEMBER (A)

G.L.Gupta
(G.L.GUPTA)
VICE CHAIRMAN