

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

Date of Order : 31.03.2004

O.A. No.455/2002.

with

M.A. No.499/2002.

Prabhu Lal Meena s/o Shri Sita Ram, aged about 43 years, P/o Village Dubbi Banas (Dubbi Bidarkha), Tehsil and District, Sawai Madhopur (Raj.) presently posted as IFO in the office of Additional Director General of AFS C/o 56 APO, New Delhi.

... Applicant.

v e r s u s

1. Union of India through its Secretary, Ministry of Postal & Communication Department, Accounts Wing, Dak Bhawan, New Delhi 110 001.
2. Principal Chief Post Master General, Rajasthan Circle, Jaipur.
3. Dy. Director of Postal Accounts, A-22 Shanti Path, Tilak Nagar, Jaipur-4.

... Respondents.

Mr. Genesh Meena counsel for the applicant.

Mr. Tej Prakash Sharma counsel for the respondents.

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Hon'ble Mr. M. L. Chauhan, Judicial Member.

Hon'ble Mr. A. E. Bhandari, Administrative Member.

: O R D E R (ORAL) :

This OA has been filed by the applicant, thereby praying for the following reliefs :-

"(i) By an appropriate order or direction, the order of rejecting the representations of the applicant vide letter dated 09/07/2002 (Annexure

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A/6) be kindly quashed and set aside being illegal, arbitrary, malafide and unconstitutional.

(ii) By an appropriate order or direction, the respondents be directed to promote the applicant in the cadre of JAO with effect from 01/10/1997 the date when M.C. Meena was promoted in AAO cadre.

(iii) By an appropriate order or direction the respondents be directed to fully complied with the order of Post Based Roster from the date the same has been made effective i.e. 02/07/1997.

(iv) By an appropriate order or direction, the respondents be directed to rectify the roster register in accordance with the reservation policy and relevant orders.

(v) Any other appropriate order which maybe found just and proper in the facts and circumstances of the case may be awarded in favour of the applicant."

2. Alongwith this application, the applicant has also filed MA No.499/2002 for condonation of delay. The grievance of the applicant in this case is that he should have been promoted to the post of JAO w.e.f. 01.10.1997 on account of the vacancy which has caused due to the promotion of Shri M.C. Meena in AAO cadre.

3. Notice on this application as well as on MA was given to the respondents. The respondents have filed the reply to the OA as well as to the MA, thereby stating that the application is highly time barred.

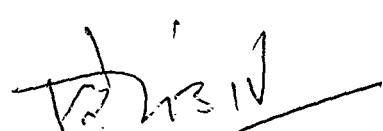
4. We have heard the learned counsel for the parties and gone through the material placed on record.

5. We are of the view that the applicant has not made out any case for condonation of delay and as such without going into the merit of the case, the OA can be disposed of on the ground that the application is highly belated and cannot be entertained, in view of the provisions contained in Section 31 of the Administrative Tribunals Act 1985. At this stage, it may be relevant to mention here that the only ground for condonation of delay as made out in the MA No. 499/2002 is that the applicant has submitted repeated representations and first of such representation was made on 19.11.1999. At this stage, it will be useful to quote Para 2 of the MA which will clinch the issue, which reads as under :-

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"2. That being aggrieved by the action of respondents in not making his promotion in the cadre of Junior Accounts Officer, the applicant submitted representation for his absorption in J.A.O. cadre which was submitted through proper channel on 19th November, 1999. Another representation was submitted on 05/05/2000 and further on 28/11/2001, 01/07/2001, 10/03/2002, 15/04/2002, 01/04/2002, 10/06/2002 and so on but till date no order with regard to his representations has been convened to the applicant but correspondence dated 09/09/2002 made to the Director, National Commission Schedule Caste and Schedule Tribe in which it has been specifically mentioned that there is no scope for considering the applicant for promotion in J.A.O. cadre and also for acceptance of his representations."

6. Thus, from the portion as quoted above the only ground taken for condonation of delay is that the applicant was making repeated representations to the authorities concerned. According to us, the aforesaid ground does not constitute sufficient cause for condoning the delay. As can be seen from the facts as stated above, the applicant is claiming promotion to the post of JAO w.e.f. 01.10.1997. As per own showing of the applicant he has made first representation on 19.11.1999 i.e. after a lapse of about two years when the cause has arisen in his favour. The applicant has not explained as to why he has not filed the representation immediately after the case has arisen in his favour. In terms of Section 21 of the Administrative Tribunals Act, 1985, the OA has to be filed within one year when the cause of action has arisen or any adverse order has been passed. In case the representation is made by the person aggrieved, and such representation has not been decided within six month, one year after the deemed rejection of such representation after the expiry of six months. Admittedly, the OA has been presented in this Tribunal on 10.10.2002 after a lapse of about 5 years the cause has been arisen in favour of the applicant, as such, we are of the view that the applicant has not made out any case for condonation of delay. As such the MA No.459/2002 filed for condonation of delay is rejected. Consequently, the OA No. 455/2002 shall also stands dismissed.


(A.K. BHANDARI)
MEMBER (A)


(M. L. CHAUHAN)
MEMBER (J)