

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Jaipur, this the 28th day of July, 2011

OA No. 295/2011

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)
HON'BLE MR. ANIL KUMAR, MEMBER (ADMV.)

Mahendra Prasad Sharma
s/o Late Shri Ganga Ram,
r/o village mudia,
P.S.Nagar,
District Bharatpur (Raj.)

.. Applicant

(By Advocate: Shri Sanjay Sharma)

Versus

1. Union of India
through Secretary (Ministry),
Post and Telegraph,
New Delhi.
2. The Chief Post Master General,
Rajasthan Circle,
Jaipur (Rajasthan).
3. Superintendent,
Department of Post,
Bharatpur.
4. Inspector of Post Office,
Deeg, Sub Division Deeg,
Bharatpur.
5. The Post Master,
Deeg, Bharatpur.

.. Respondents

(By Advocate:)

ORDER (ORAL)

The applicant was working as Gram Dak Sewak or Atirikt Vibhagiya Gramin Dak Sewak Dak Vahak. One Lala Ram Saini, Up Dakpal, Nagar on 10.5.2002 lodged F.I.R. No.113/2002 at P.S.Nagar, District Bharatpur for offence under Section 409 I.P.C. against the applicant and others.

2. After investigation, the Police has submitted Final Report. The department preferred a Protest Petition against the Final Report before the Additional Chief Judicial Magistrate, Deeg. The Judicial Magistrate after hearing the arguments in the Protest Petition took cognizance for offence u/s 409 I.P.C. against the applicant vide order dated 2.5.2007.

3. Aggrieved and dis-satisfied the applicant preferred a Criminal Revision Petition which was decided by the Additional District and Sessions Judge (Fast Track) No.4 vide order dated 7.2.2011. After being acquittal from the criminal charges, the applicant preferred this OA directing against dismissal order dated 22.2.2003 but has not challenged the same well within time. Even the applicant has not filed any application for condonation of delay in filing the present OA. Thus, in view of the ratio decided by the Hon'ble Supreme Court in the case of D.C.S.Negi vs. Union of India in Special Leave to Appeal (Civil) No.7956 vide judgment dated 7.3.2011, the present OA cannot be entertained on the ground of delay and laches. The explanation given by the applicant is that the OA is within limitation because he has been acquitted by the appellate court from the



criminal charges only vide order dated 7.2.2011, therefore, this OA is within limitation.

4. We are not convinced with the explanation so given by the applicant and the OA is liable to be dismissed in view of the observations made by the Supreme Court in the case of D.C.S.Negi (supra).

5. At this stage, learned counsel for the applicant submits that he has already filed representation after acquittal from the criminal charge by the appellate court and the same is pending consideration.

6. Having considered the submissions made on behalf of the applicant, it is for the respondents to consider representation so filed by the applicant and communicate the decision so taken to the applicant.

7. As discussed hereinabove, the OA is not maintainable at this stage being barred by limitation and the same is accordingly dismissed at admission stage.

Anil Kumar

(ANIL KUMAR)
Admv. Member

J. S. Rathore

(JUSTICE K.S.RATHORE)
Judl. Member

R/