

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 041/00182/2017

Date of Order: This, the 30th day of July 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

THE HON'BLE MR. N. NEHSIAL, ADMINISTRATIVE MEMBER

Smt. Prama Chakrabarty
Wife of Shri Uttam Chakrabarty
Resident of Agartala (Qtr. No. 8) (Type IV)
Residential Complex of AG's Office
79 Tilla, Kunjaban, Agartala – 799006

Place of employment:- Agartala
(Sub Postmaster, Abhaynagar Sub Post Office
Agartala – 799005.

...Applicant

By Advocate: In Person

-Versus-

1. Union of India, represented by the Secretary
To the Government of India
Ministry of Communication & I.T.
Dak Bhavan, Samsad Marg
New Delhi – 110001.
2. The Director General
Department of Posts
Government of India
Dak Bhavan, Samsad Marg
New Delhi – 110001.
3. The Chief Postmaster General
Department of Posts, Government of India
N.E. Circle, Shillong – 793001.

4. The Director Postal Services
Government of India, Agartala – 799001.

...Respondents

By Advocate: Mr. R. Hazarika, Addl. CGSC

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

Being aggrieved, the applicant herein approached before this Tribunal under Section 19 of the Administrative Tribunal Act, 1985 with the following reliefs:

- “8.(i) For gracious giving of orders to the authority concerned of the Department, i.e., the Director General of the Department of Posts (respondent No. 2), to immediately appoint the applicant as the IPO as from 01.07.08; and
- (ii) for gracious giving of orders to the above authority concerned, to effect all benefits viz., seniority, next promotion etc. to the applicant, consequential to her appointment to the post of IPO as from 01.07.08; and
- (iii) for gracious giving of orders to the authority concerned of the Department, i.e., to the Chief Postmaster General of N.E. Circle (Shillong) of the Department of Posts (respondent No.3), to immediately pay the applicant the admissible pay & allowances of pay-band of the post of IPO, together with yearly increments, consequential to her appointment to the post of IPO as from 01.07.08; and
- (iv) for gracious giving of orders to the authority concerned of the Department, i.e., to the Chief Postmaster General of N.E. Circle (Shillong) of

the Department of Posts (respondent No.3) to immediately post the applicant to Agartala station as the IPO; and

- (v) for gracious giving of orders to the authority concerned of the Department, i.e., to the Director General of the Department of Posts (respondent No.2), to pay costs to the applicant; and
- (vi) for gracious passing of any other or further order(s) as this Honourable Tribunal deem expedient."

2. The applicant appeared in person and submitted that she has all the qualifications and she has also passed the departmental examination for promotion to the post of Inspector of Post Offices and has also undergone training in 2008. Since then she has been waiting for her promotion. According to the applicant, she has been representing in various channels and also sought information under RTI. The only response she received by letter No. Vig/LV-RI Act/P. Chakraborty(II) dated 11.04.2012. The letter itself is very vague, while in para 1 shows that the request for giving effect to her promotion to the post of Inspector of Post with effect from 01.07.2008 is rejected and in second para it also mentioned that if there is any vacancy of Inspector of Post Offices then she may be posted there.

3. We have heard the applicant in person and perused the documents placed on record. Section 21 of the Administrative Tribunals Act, 1985 provides for limitation of filing an OA as under:-

“21. Limitation –

(1) A Tribunal shall not admit an application, -

(a) in a case where a final order such as is mentioned in clause (a) of subsection (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made;

(b) in a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months.”

Further, sub-section 3 of Section 21 of the said Act, provides as under:-

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period.”

In the case of **Bhoop Singh vs Union of India & Others, 1992 AIR**

1414, the Hon'ble Supreme court has observed as under:-

“... Inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to

a reasonable belief in the mind of others that he is not interested in claiming that relief.”

4. We have noted that the applicant was sleeping over the matter for long years. The principle canonized in well common law maxim '*vigilantibus, non dormientibus, jura subveniunt*' meaning thereby that law assist those who are vigilant not those who are sleeping over their rights is applicable in this case.

5. We do not find any sufficient reason to entertain the matter as prayed by the applicant and in our opinion, the case is hopelessly barred by limitation. Accordingly, O.A. is dismissed. No order as to costs.

(N. NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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