
(2020) 03 CAT CK 0007

In the Central Administrative Tribunal

Case No : Original Application No. 960 Of 2019, Miscellaneous Application No. 2224, 1078 Of 2019

Kalyan Sharma

APPELLANT

Vs

Indian Post & Telegraph Department

RESPONDENT

Date of Decision : 02-03-2020

Acts Referred:

Citation : (2020) 03 CAT CK 0007

Hon'ble Judges : Aradhana Johri, Member (A)

Bench : Single Bench

Advocate : Raj Kumar Bhartiya, Shashwat Sharma

Final Decision : Dismissed/ Disposed Of

Judgement

Aradhana Johri, Member (A)

1. M.A No. 2224/2019 has been filed seeking condonation of delay of 423 days. The entire file was perused. As per Annexure A-2 of the O.A, the Deputy Manager (P&A-II) HQ passed an order No. A/O/(P&A-II) HQ/KS Ex. Gateman 2016-17 dated 12.01.2017. It is clear that the applicant was terminated on 23.01.1982. Therefore, no service benefits like gratuity or pension or leave encashment were payable. It is stated in the said letter that GPF amount of Rs.1362/- was already paid on 17.10.2016 to the applicant and nothing further remains to be paid or any other relief to be given. Throughout the O.A, nothing has been written about termination or any challenge to it. Therefore, it is clear that the said dismissal has not been set aside. Further, in this O.A, the said communication dated 12.01.2017 has not even been challenged. Only order dated 19.02.2019 which simply refers to the communication of 12.01.2017, has been challenged.

2. It is also seen that the applicant filed O.A No. 3423/2015 which was decided on 15.09.2015 wherein the Court, without going into the merits of the case, permitted the applicant to make a representation which was to be decided in a time bound manner with a speaking order, in accordance with law. It is only after

this order of 15.09.2015 that the said letter of 12.01.2017 was issued.

3. The applicant filed a C.P No. 600/2018 for compliance of the order of OA No. 3423/2015 which was also dismissed on 05.10.2018. In the meantime, yet another O.A No 1113/2018 was filed which was dismissed as withdrawn by him on 16.03.2018.

4. It is clear from the above that this O.A arises from his termination which was done on 23.01.1982, which has not been set aside. Therefore, not only is no case made out for condonation of delay but also the O.A is dismissed for the aforementioned reasons. No order as to costs.

5. All the pending M.As if any, are disposed of accordingly.