

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 10645 of 2014

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Vakil Prasad, Son of Ram Autar Yadav, Resident of Village- Poari, P.S.- Bisfi,
District- Madhubani.

.... Petitioner/s

Versus

1. The Union of India through the Secretary-Cum-D.G. Government of India,
Ministry of Communication and IT Department of Posts, Dak Bhavan,
Parliamentary Street, New Delhi
2. The Chief Post Master General, Bihar Circle, G.P.O. Complex, Bihar, Patna
3. The Postmaster General, Northern Region, Muzaffarpur
4. The Director of Post Offices, Northern Region, Muzaffarpur
5. The Assistant Director, Staff and Recruitment Office of Chief Postmaster
General, Bihar Circle, G.P.O. Complex, Patna
6. The Superintendent of Post Offices, Darbhanga Division, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s	: Mr. Rajeev Kumar Singh, Advocate Mr. Priyadarshi Matin Sharan, Advocate.
For the Union of India	: Mr. Awadesh Kumar Pandey, Advocate Mr. Ravinder Kumar Sharma, CGC

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 06-05-2016

Heard learned counsel for the parties.

2. The challenge in the writ petition is to an order dated 19.02.2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as the 'Tribunal') in O.A. No. 843 of 2013 whereby an Original Application filed by the petitioner under Section 19 of the Administrative Tribunal Act, 1985 was dismissed as barred by time.

3. The grievance of the petitioner is that he applied for the post of Postal Assistant/Sorting Assistant against the

vacancy of 1998 in Darbhanga Division. He appeared in the Computer Test and Written Test held on 09.05.2001 and 17.11.2001 respectively. The petitioner asserts that select list of 28 candidates was prepared but the result was not published.

4. The petitioner submits that he has submitted a representation on 13.02.2003 to publish the result, but without any result. He came to know that two persons have joined the post against the vacancy of 1998. The Tribunal found the Original Application to be delayed and there is no explanation for condonation of delay. An application for information under the Right to Information Act was filed in the year 2012 only and that there is no reason to condone delay.

5. We have heard learned counsel for the petitioner and find no merit in the present writ petition.

6. Learned counsel for the petitioner states that the intimation given to the petitioner under the Right to Information Act is incorrect as the stand of the respondents is that they have no information about the selection process of the year 1998 though in O.A. No. 241 of 2007 and O.A. No. 40 of 2009, in respect of the same selection, the Department contested the same.

7. We are not examining as to whether the information given to the petitioner under the Right to Information Act is correct or not correct. Such issue is beyond the writ jurisdiction of the Court which is directed against an order of the

Central Administrative Tribunal. For the purpose of the writ petition, the petitioner appeared in the test in the year 2001 and was not appointed. The Original Application was filed in the year 2013 i.e., more than 12 years later. There is no explanation as to why he has taken 12 years to make a grievance of his non selection in the year 2001 or so.

8. In view thereof, we do not find any merit in the present writ petition. The same stands dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P. Kumar/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	