

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10498 of 2015

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Gunjan Kumar, son of Gauri Shankar Prasad Verma, resident of village- Barreya, Koluha Paigambarpur, Durga Sakti Peeth Mandir, Gandhi Nagar, Road No.3, P.S.- Ahiyapur, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Posts, Government of India, New Delhi.
2. The Chief Post Master General, Bihar Circle, Patna
3. The A.D. (Staff and Recruitment) O/O the Chief Post Master General, Bihar Circle, Patna.
4. The Post Master General, North Division, Muzaffarpur.
5. The Senior Superintendent of Posts, Muzaffarpur Division, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate.

For the Respondent/s : Mr. Awadesh Kumar Pandey, S.C.G.C.
Ravinder Kumar Sharma, C.G..

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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: 28-07-2016

Heard learned counsel for the parties.

2. The order dated 2nd of January, 2015 passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) in O.A. No. 050/00812/2014 is subject matter of challenge in the present writ application.

3. The petitioner has invoked the jurisdiction of the Tribunal claiming appointment in pursuance to the advertisement dated 19th of July, 2003. The petitioner applied for the post of Postal

Assistant/Sorter under different divisions of Bihar Circle, Department of Posts. Another advertisement was issued in the year 2011. It is thereafter, the petitioner alleges that he apprehended foul play in not selecting the petitioner. He then sought information under the Right to Information Act. It is thereafter, the petitioner invoked the jurisdiction of the Tribunal in the year 2014.

4. Learned counsel for the petitioner has vehemently argued that no information was given as to when the selection was made in pursuance of the advertisement dated 19th of July, 2003 and that the petitioner believes that he was not selected on account of inaction of the department in not taking into consideration his marks of Intermediate to determine the final merit.

5. We do not find any ground to interfere with the order passed by the Tribunal which dismissed the Original Application on the ground of limitation.

6. The advertisement was published on 19th of July, 2003. A fresh advertisement was issued in the year 2011. But still the petitioner has invoked the jurisdiction of the Tribunal after three years.

7. If in pursuance of the advertisement selection was not made, the cause of action arose to the petitioner at that stage. The issuance of the second advertisement inviting fresh applications will

not confer any cause of action to invoke the jurisdiction of the Tribunal. Even assuming that such advertisement conferred cause of action, still an original application has been filed before the Tribunal three years later. In either situation, the claim of the petitioner is barred by limitation provided under Section 21 of the Administrative Tribunals Act, 1985.

8. We do not find any error in the order passed by the Tribunal which may warrant interference in the present writ application.

9. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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