

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1886 of 2016

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Barmeshwar Nath Srivastva son of Late Jagdamb Sahay, resident of Mohalla-Budhnagar Road No. 3, South Chandmari Road, P.O.- Lohianagar, P.S.- Kankarbagh, District- Patna

.... Petitioner/s

Versus

1. The Union of India through the Director General, Postal Department, Communication Bhawan, New Delhi
2. The Chief Post Master General, Bihar Circle, Patna
3. The Director of Postal Services, Bihar Circle, Patna
4. The Senior Superintendent of Post Offices, Patna Division, Patna- 4

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate
For the Respondent/s : Mr. S.D Sanjay (Addl. S.G.)
Mr. Satyavrat Verma (CGC)

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 17-01-2017

The writ application has been filed against the order of the Central Administrative Tribunal, Patna Bench, Patna, which is dated 07.05.2015. By virtue of the said order not only the O.A., but even the M.A., which was a petition for condonation of delay has been dismissed. The primary reason for dismissal of the O.A. as well as limitation petition is long eight years of delay in assertion of right. The issue was non-



grant of promotion to the petitioner from the post of Postal Assistant HSG-II to the category of HSG-I. The reason for filing of the O.A. was that juniors came to be promoted and the petitioner's right was ignored.

2. The denial of promotion to the petitioner when the juniors came to be promoted was the date when the cause of action arose. The explanation for not moving any Court of law is repeated representation, which was being filed by the petitioner before the so called authorities.

3. The Tribunal has very rightly considered the various decisions, including the decision of the Apex Court that repeated filing of representation is not an answer for extraordinary delay. Condonation of delay is not warranted in such situation. The promotion, which has been sought by the petitioner, relates to the year 2006. The petitioner has thereafter superannuated in the year 2010. He had adequate time and opportunity to assert his right. He should not have waited for four years for him to retire another five years thereafter to be aggrieved by his junior's promotion.

4. The Tribunal's order does not suffer from any vice. The conduct of the petitioner was the reason for dismissal



of his O.A. and M.A. The order impugned is not required to be interfered with.

5. The writ application stands dismissed.

(Ajay Kumar Tripathi, J.)

(Nilu Agrawal, J.)

Arjun/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.01.2017
Transmission Date	NA

