

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.12992 of 2006 and
WMP. No.2672 of 2007

A.Subbiah

... Petitioner

Vs.

1.Union of India rep. by the
Chief Post Master General
Tamil Nadu Circle, Chennai 600 002

2.Post Master General
Southern Region,
Madurai - 2, Tamil Nadu Circle.

3.The Registrar
Central Administrative Tribunal
Chennai 600 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records made in the order dated 31/12/2004 made in M.A.No.632 of 2004 in O.A. Diary, No.4325 of 2004 on the file of the Central Administrative Tribunal, Chennai (3rd Respondent herein) and quash the same and direct the 3rd respondent to take the O.A. Diary No.4325 of 2004 dated 18.11.2004, on the file and dispose of the same.

For Petitioner : Mr.Siva.Suyambu

For Respondents: Mr.J.Madhanagopal Rao

for R1 and R2
R3- Tribunal

O R D E R

K.K.SASIDHARAN, J.

The petitioner submitted representation before the Postal Department for stepping up of his pay on par with his junior. The representation was rejected by order dated 20 March 1995. The petitioner, thereafter, retired from service in 2001.

2. The petitioner long after his superannuation filed original application before the Central Administrative Tribunal, challenging the order dated 20 March 1995 along with an application to condone the delay.

3. The Central Administrative Tribunal rejected the application to condone the delay in filing the original application. The said order is under challenge in this writ petition.

4. The learned counsel for the petitioner by placing reliance on the judgment of the Hon'ble Supreme Court in *M.R.Gupta v. Union of India* and other [(1995) 5 SCC 628] contended that there is continuing wrong giving rise to a recurring cause of action every month on the occasion of payment of salary and as such, the Tribunal was not correct in rejecting the application filed for condoning the delay.

5. We have also heard the learned counsel for the respondents 1 and 2.

6. The decision in *M.R.Gupta* (cited supra) has no relevance for deciding the issue raised by the petitioner in this writ petition. In *M.R.Gupta's* case, the petitioner approached the Court while he was in service. In the subject case, the representation submitted by the petitioner was rejected by order dated 20 March 1995. The petitioner was very much in service as on the date on which his representation was rejected. The petitioner retired in 2001 after attaining the age of superannuation. It is a matter of record that the petitioner has not filed any proceedings challenging the order dated 20 March 1995 till his retirement. It was only three years after his retirement the petitioner filed original application before the Tribunal. There is no question of considering the stepping up of pay after a period of 16 years from the date of retirement and 22 years from the date of passing the impugned order. We are therefore of the view that the Tribunal was correct in dismissing the miscellaneous petition.

7. In the up shot, we dismiss the writ petition. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

svki

To

1.The Chief Post Master General
Union of India
Tamil Nadu Circle, Chennai 600 002.

2.Post Master General
Southern Region,
Madurai - 2, Tamil Nadu Circle.

3.The Registrar
Central Administrative Tribunal
Chennai 600 104.

+1cc to Mr.J.Madanagopal Rao, Advocate Sr.17312
1cc to Mr.Siva Suyambu, Advocate Sr.17080

W.P.No.12992 of 2006

br[co]
srg 10/04/2017

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