

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.7.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.18679 of 2018

D.K. Krishna Sah

Petitioner

Versus

- 1 Union Of India
Rep. by its Member(Personnel)
Ministry of Communications
Department of Post
Government of India
New Delhi - 110001
- 2 The Presiding Officer
Central Administrative Tribunal
Madras Bench Chennai
- 3 The Chief Post Master General
Tamil Nadu Circle Anna Salai
Chennai - 600002
- 4 The Senior Superintendent RMS
Chennai Sorting Division
Chennai - 600008

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order passed by the 2nd respondent in O.A.No.310/00651/2016 dated 5.2.2018 and quash the same and further directing the 3rd and 4th respondents to pay service benefits and all other attendant benefits to the petitioner.

For petitioner : Mr.D.Manojkumar
Respondent No.2 : Tribunal
Respondents Nos.1, 3 & & R4-No Appearance

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner.

2. The writ petition has been filed challenging the order passed by the Central Administrative Tribunal in rejecting the claim of a direction to the third and fourth respondent herein to pay him service benefits.

3. In this regard, the observation of the Central Administrative Tribunal as found in para 3 and 4 of the order is self-explanatory and it is extracted hereunder:-

"3. Learned counsel for the respondents would, however, submit that the applicant had been dismissed from service with effect from 22.12.1983 for unauthorised absence from duty. As per CCS (Pension) Rules 1972, a dismissed Government servant is not entitled to any retirement benefits. The applicant had exhausted his legal remedies inasmuch as his Original Application 811/1998 had been dismissed by the Tribunal. The writ petition filed there-against in the Honourable High Court of Madras as also the SLP filed by the applicant in the Honourable Supreme Court were also dismissed. After the SLP was dismissed on 14.7.1999, the applicant sought pensionary benefits by Annexure-A/9 representation dated 14.5.2015 only. There is neither merit in the claim nor any justification for a delay of 16 years. The O.A. is accordingly liable to be dismissed, it is argued.

4. We have considered the facts of the case. It is not disputed that the applicant had been dismissed from service with effect from 22.12.1983 and he had already exhausted all the legal remedies available to him against the order of dismissal. The counsel for the applicant is unable to point out any provision in the rules of executive instructions to the effect that a dismissed employee who had

put in 14 years of service could be considered for pensionary benefits on sympathetic grounds or otherwise. The O.A. is devoid of merits and is dismissed."

4. Having perused the above observation and heard the learned counsel appearing for the petitioner, we find that there is no merit in the submission of the learned counsel appearing for the petitioner as we are also of the view that the petitioner fails on the ground of delay and laches. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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+1cc to Mr.C.Samivel, Advocate sr.no.48776

W.P.No.18679 of 2018

sj(co)
nr 06/09/2018