

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1758 of 2020**

- Janak Ram Dhruv, S/o Shri Nilkanth Dhruv, aged about 65 years, R/o Sameshar, Post Office-Nandal, Tahsil-Navagarh, District – Bemetara (Chhattisgarh)

---- Petitioner**Versus**

1. Union of India, Through the Chief Post Master General, Chhattisgarh Circle, Raipur, District – Raipur (C.G.)
2. Regional Director, Postal Department, Raipur, District – Raipur (C.G.) Pin-492001
3. Additional Superintendent Post Office, Durg Division, Civics Centre, Bhilai (C.G.) 490006.

---- Respondents

For Petitioner	:	Shri Dev Ashish Biswas, Advocate.
For Respondents	:	Shri Himanshu Pandey, Advocate appears on behalf Shri B. Gopa Kumar, Assistant Solicitor General.

Hon'ble Shri P. R. Ramachandra Menon, Chief Justice
Hon'ble Shri Justice Parth Prateem Sahu, Judge

Order on Board**Per P. R. Ramachandra Menon, Chief Justice****17.03.2020**

1. The course pursued by the Central Administrative Tribunal, Jabalpur Bench Circuit Sitting, Bilaspur (for short, 'Tribunal'), as per order dated 22.08.2013 with regard to the grievance projected by the Petitioner as to the culmination of disciplinary proceedings taken against him is to put to challenge in this writ petition, filed after 7 years.
2. Heard Shri Dev Ashish Biswas, the learned counsel appearing for the Petitioner at length.

3. The sequence of events reveals that the Petitioner was working as Postal Assistant in the Post Office Department and in connection with some deeds / misdeeds, disciplinary proceedings were initiated against him. It is conceded that there were criminal proceedings as well, in view of the offences involved. On culmination of the disciplinary proceedings, a finding was rendered on the guilt of the delinquent employee, pursuant to which the Disciplinary Authority ordered removal from the service. The said order was passed way back in the year 2003.
4. The case of the Petitioner is that he had already preferred an appeal before the Appellate Authority, but it was simply kept in cold storage. It was virtually 9 years later, that he thought it appropriate to move the Tribunal by filing O.A. No. 264 of 2012, which was disposed off, directing the Appellate Authority to have the appeal considered and finalized.
5. Pursuant to the above order, the matter was looked into by the Department. It was found that no such appeal was ever preferred and in the said circumstance, the position was let known to the Petitioner, who presented a copy of the appeal 'stated as preferred'. Holding that no such appeal was preferred on time, in conformity with the statutory prescriptions, the matter was finalized without considering the merits, but with regard to the inordinate delay. The said order was sought to be challenged by filing O.A. No. 138 of 2013 before the Tribunal. Referring to the sequence of events, the Tribunal declined interference as per order dated 22.08.2013. The said verdict is sought to be challenged by filing the present writ petition virtually after 7 years.
6. The learned counsel for the Petitioner submits that because of not considering the appeal on merits, much prejudice has been caused with regard to the pensionary benefits payable to the Petitioner. The learned counsel submits that the Petitioner, in the meanwhile, was acquitted of the criminal charges and

though this position was brought to the notice of the Departmental Authorities, no interference has been made. In fact, the Petitioner was waiting for the outcome of the criminal proceedings and that many a representation has already been preferred for redressal of grievance by causing the appeal to be considered on merits.

7. We find it difficult to accept the said submission. The Tribunal has placed reliance on the verdict passed by the Apex Court in ***C. Jacob vs. Director of Geology and Mining & Another*** reported in **(2008) 10 SCC 115** to hold that repeated representations will not revive the cause of action. It is further to be noted that, even after passing the said verdict by the Tribunal on 22.08.2013, the Petitioner was simply sleeping over the issue and has turned up before this Court after 7 years. The power and jurisdiction of this Court is never to extend relief to such persons showing misplaced sympathy. We find support from the ruling rendered by the Supreme Court in ***Rabindra Nath Bose & Others vs. Union of India & Others*** reported in **AIR 1970 SC 470**.
8. Interference is declined. The writ petition stands dismissed.

Sd/-

(P. R. Ramachandra Menon)
Chief Justice

Sd/-

(Parth Prateem Sahu)
Judge