

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.1461/2001

Hon'ble Shri Shanker Raju, Member(J)

Thursday, this the 6th day of June, 2002

Shri Johri Lal
s/o Late Shri Mongi Lal
Retd. Dresser Grade I
Railway Hospital
Western Railway Gangpur City
at present C/o Shri Satish Chand Gupta
4127, 3rd Floor
Naya Bazar
Delhi - 110 006. Applicant

(By Advocate: Shri S.C.Gupta)

Vs.

1. Union of India through
The General Manager
Western Railway
Church Gate
Mumbai.
2. Divisional Railway Manager
Western Railway
Kota Division
Kota. Respondents
(By Advocate: Shri V.S.R.Krishna)

O R D E R (Oral)

By Shanker Raju, M(J):

Heard the parties.

2. The claim of the applicant is non-payment of Gratuity amounting to Rs.18,480/- and an amount of Rs.1426/- as insurance money. It is also stated that the annual increments have not been paid to the applicant regularly. The contention of the learned counsel for applicant that insurance amount has never been taken into consideration and stagnation increments have not been reckoned with and the payments have not been paid thereof. It is also stated that despite making several representations no reply has been sent to the applicant who retired on superannuation on 31.1.1988.

3. Respondents' counsel, in the reply, stated that the OA is barred by limitation as in December, 1989 the applicant has been informed about his disentitlement of stagnation increment, the orders have not been assailed for the last 14 years, the OA is barred by limitation under Section 21 of the Administrative Tribunals Act, 1985. It is also stated that the Gratuity of Rs.18,463/- has been paid already vide order dated 15.4.1988 which was dispatched vide CO 7 No.10 dated 20.4.1988 and similarly Insurance amount of Rs.1278/- was also paid to applicant vide CO7 No.138 dated 12.9.1988 and the information regarding increment was also given to the applicant in the year 1989. It is stated that last increment was accorded on 19.3.1975 which was maximum of the scale and he was given an advance increment on 14.8.1974. It is stated that the applicant has ~~not~~ sent any information regarding vacation of Railway accommodation, despite this, all the payments have been made to him.

4. In rejoinder, learned counsel for applicant stated that no order for payment was issued to the applicant by the respondents and the amount of Rs.18,480/- has been withdrawn by someone with forged signature of the applicant and he reiterated the other contentions already taken in the OA.

5. I have carefully considered the rival contentions of both the learned counsel and perused the material on record. In so far as his grievance of increment is concerned, once the decision has been communicated to him on 9.12.1989, he ~~has~~ failed to

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approach this Tribunal within the period as envisaged under Section 21 of the Administrative Tribunals Act, 1985. As such, in my considered view, this OA is barred by limitation and this grievance cannot be entertained. As regards the payment of Insurance and Gratuity is concerned, having made a specific averment that the amount has already been disbursed to the applicant and the same has been withdrawn by forged ^W ~~entry~~ signature by an impostor, the remedy against that lies to the competent forum, i.e., Police. This Tribunal is not to sit an investigating agency to redress the applicant's claim.

6. However, in the interest of justice, the respondents are directed to furnish the particulars of payment, i.e., copies of the vouchers, COs, pay order by which the amount has been sent to the applicant, within a period of one month from the date of receipt of a copy of this order.

7. In the result, the OA lacks merit and is accordingly dismissed with the above observation. No costs.

S. Raju

(Shanker Raju)
Member (J)

/rao/