

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A. NO.2755/1999

New Delhi this the 30th day of June, 2000.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

M.A.Lari S/O Md. Yusuf,  
R/O B-10/80-C D.D.A. Flats,  
Inderlok, Delhi-35.

... Applicant

( By Shri Mohd. Kazim Sher, Advocate )

-Versus-

1. Union of India through  
Secretary, Ministry of Railways,  
Rail Bhawan, New Delhi.
2. Chairman, Railway Board,  
Rail Bhawan, New Delhi.
3. Banwari Lal,  
Under Secretary (Admn.),  
Railway Board, Rail Bhawan,  
New Delhi.

... Respondents

( By Ms. Anju Bhushan, Advocate )

O R D E R (ORAL)

By the present application applicant claims two advance increments based on a scheme of 29.5.1989 at Annexure A-4. Aforesaid scheme stipulates grant of the aforesaid incentive of two advance increments to those who have passed Part (i) or 'A' or intermediate or pre-final examinations.

2. Applicant was working as Traffic Inspector with the Railways. While in employment he had passed the intermediate examination from the Institute of Cost and Works Accountants of India (ICWA) in 1971. At that time, an earlier scheme of 14.5.1966 at Annexure A-3 was in vogue. Under that scheme applicant was paid an incentive of Rs.200. This was

8

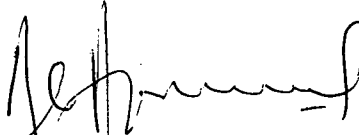
way back in 1971. Applicant retired on superannuation in the year 1990. Prior to his retirement, a further scheme of 29.5.1989 at Annexure A-4 was formulated under which an incentive of two advance increments was provided. In order to claim the aforesaid incentive in addition to the earlier incentive already received, applicant has relied upon an office memorandum of 24.1.1990 issued by the Ministry of Finance which provides for grant of the aforesaid incentive of two advance increments in addition to the incentive of Rs.200 already paid under the earlier scheme of 14.5.1966 to those who had qualified in ICWA intermediate examination prior to 16.1.1989. As far as the aforesaid office memorandum is concerned, respondents have made a categorical assertion that the same has not been adopted by the Railways.

3. As far as the applicant is concerned, he has qualified the ICWA intermediate examination way back in 1971. He has accordingly become entitled to the said incentive way back on 29.5.1989 when the aforesaid scheme was formulated. The office memorandum under which the applicant claims the present incentive in addition to the earlier incentive has been issued way back on 24.1.1990. In the circumstances, I find that the cause of action to file the present claim arose way back in 1990 whereas the present O.A. is belatedly filed in December, 1999. In the circumstances, I find that the present O.A. is hopelessly barred by time. Hence, no relief can be granted in the present O.A.

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9

4. In the circumstances, the present O.A. is dismissed as being barred by limitation. There will, however, be no order as to costs.

  
( Ashok Agarwal )  
Chairman

/as/