

(22)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1835/1998

New Delhi, this the 2nd day of August, 2000

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S.Tampi, Member (A)

Shri Jai Marian S/O Shri Sis Ram
R/o Village Pandwala Khurd,
P.O. Najafgarh, Delhi - 110043

.....Applicant
(By Advocate: Sh. B.S.Charya)

Versus.

1. Delhi Fire Service
Headquarters, Connaught Circus,
New Delhi through its Chief Fire Officer,
2. Govt. of National Capital Territory of Delhi
5, Sham Nath Marg, Delhi
through its Chief Secretary
3. The Secretary (Services)
Govt. of National Capital Territory of Delhi
5, Sham Nath Marg, New Delhi

.....Respondents
(By Advocate: Sh. T.D.Yadav proxy for
Sh. Rajinder Pandita)

ORDER (ORAL)

By Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)

Heard the Counsel for applicant and respondents. The particulars of the orders against which the OA is filed are stated by the applicant in the OA which are as under :-

"The applicant impugns the action of the respondents in retiring the applicant prematurely at the age of 58 years on 31-12-93 vide order dated 23-06-93 instead of allowing the applicant to continue upto 60 years, i.e. upto 31-12-1995 in terms of FR-56 (a) although other incumbents junior to the applicant have been allowed to continue and superannuated at the age of 60 years. The applicant further claims that he



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is entitled for full salary and allowances for the period from 24-06-72 till his normal age of superannuation on 31-12-1995. In view of the fact that respondent No.1 ~~had~~ illegally and wrongfully proceeded to terminate the services of the applicant and the same was quashed by the Labour Court by way of an award. Writ Petition filed by respondent No.1 was dismissed by the High Court of Delhi in January 1972. A letters Patent Appeal was also dismissed by the Division Bench of the High Court of Delhi and the Civil Appeal No. 2804/81 was also dismissed by the Hon'ble Supreme Court of Delhi vide judgment dated 16-11-1994, but the respondents failed to comply with the judgment. The applicant also claims that a sum of Rs.14,330/- has been illegally and wrongfully recovered from his dues on account of damages for being in occupation of the residential quarter although the applicant was entitled to retain the quarter after 31-12-1995."

In the para 8 pertaining to relief, the applicant seeks the order of retirement dt. 23-06-93 be quashed and further seeks a declaration to continue in service. He also seeks to recover damages of Rs. ~~14,330/-~~ ^{14,330/-} ~~realized from him.~~ In Sub-para (e) of para 8 relates to the payment of salary and arrears of pension in addition to gratuity.

In view of the above particulars given in the OA, as the applicant seeks to quash the order of 1993, we are of the view that this application is hit by Section-21 of the Administrative Tribunal's Act. The OA is, therefore, dismissed at the admission stage, on the ground of limitation.



The relief regarding payment of salary is also barred by limitation as the cause of action arose prior to 1993. As regards the prayer for payment of pension and gratuity, we direct the applicant to make the representation on this behalf to the respondents within a period of two weeks from today and on receipt of such representation, the respondents are directed to dispose the same within six weeks thereafter, considering positively the payment of arrears of pension, gratuity etc. They should also consider the payment of pension and gratuity, if not paid, along with the interest @ 18 % from due date of payment.

(Govindan S. Tampli)
Member (A)

/vikas/

Rajagopala Reddy

(V.Rajagopala Reddy)
Vice-Chairman (J)