

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 915/98

New Delhi this the 4th Day of May 1998

Hon'ble Shri R.K. Ahooja, Member (A)

Shri Hari Krishna Prasad,
Son of Shri Grabhu Ram,
Elect. Fitter Grade I,
T.No. 375, Diesel Shed,
Tuglakabad,
New Delhi.

Petitioner

(By Advocate: Shri A.K. Bharadwaj)

-Versus-

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The DSE (Estate),
Northern Railway,
DRM Office,
Delhi Division,
New Delhi.
3. The Estate Officer,
Northern Railway, DRM Office,
Delhi Division,
New Delhi.

Respondents

ORDER (Oral)

The applicant is aggrieved by the respondent's refusal to refund the amount of deduction from his pay which was made on account of the alleged unauthorised occupation of the quarter for the period from January 1990 to January 1991. The applicant says that he had filed a suit against the cancellation of the allotment. The same was dismissed but his appeal filed before the District Judge was allowed vide order dated 17.11.1990. The applicant submits that as the order of cancellation had been set aside vide judgement of the Additional District Judge, The respondents were duty bound to refund the amount deducted from his salary on account of the alleged

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unauthorised occupation. He has now come before the Tribunal seeking a direction to the Respondents to refund the said amount along with 10 per cent interest per annum.

2. I have heard the counsel on the question of admission. I find that since the order of the ADJ was passed in 1990, the applicant is barred by limitation in pursuing his plea. The applicant should have either sought for the relief of refund of the amount in the Civil Suit or if that was not possible because at that time the deduction had not been effected from his salary, he should have sought relief soonafter the deductions were made. The applicant had been lax and tardy in pursuance of his claim and has come before the Tribunal after a gap of eight years. The learned counsel for the applicant cites Dhiru Mohan Vs. Union of India ATJ 1991(2) P. 283 in which the Full Bench of this Tribunal held that the respondents cannot reject claim of arrear of salary or any other appropriate relief on the plea that the applicant had not assailed the void order within the period of limitation. The learned counsel for the applicant argues that since the order of cancellation of allotment was held to be void by the competent court, there could not have been a limitation in the matter of seeking appropriate relief. I do not agree that this would be the correct petition. The monetary relief which can be obtained in respect of denial of salary or any other benefit related to service condition is different to one which is claimed on the basis of a punitive order under the Public Premises

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Act. In the facts and circumstances, I do not consider that the application of the order of the Tribunal in Dhiru Mohan (supra) is applicable in this case.

3. In the light of the above discussion, the OA is held to be barred by limitation. It is accordingly dismissed at the very threshold.

R.K. Aboja
(R.K. Aboja)
Member (A)

Mittal