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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH,
NEW DELHI.

O.A.No.866/96

New Delhi: this the 14th May, 1996.

HON'BLE MR. S.R.ADIGE, MEMBER (A).

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J).

Shri Mohd. Siddique,
Divisional Commercial Superintendent,
Divisional Railway Manager's Office,
NER, Samastipur (Bihar) Applicant

(Applicant in person)

Versus

1. Union of India through
the Secretary, Railway Board,
Rail Bhavan,
New Delhi.
 2. Chairman,
Railway Board & Principal Secretary to GOI,
Ministry of Railway,
Rail Bhavan,
New Delhi.
 3. General Manager,
NE Railway,
Gorakhpur (UP)
 4. General Manager (Personnel)
N.E. Railway, Gorakhpur (UP).
 5. Chief Commercial Manager,
NE Railway, Gorakhpur (UP).
 6. Divisional Railway Manager,
NE Railway,
Samastipur (Bihar).
 7. Sri V.P. Kanjia,
Ex. Dy. CCS (Claims), NER,
Gorakhpur (UP) through G.M. NER, Gorakhpur (UP)
 8. Sri R.A. Arya,
Ex. CCO, NER,
Gorakhpur (UP) through
G.M., NER, Gorakhpur (UP)
 9. Sri Kranti Kumar,
Ex. CCS, NER, Gorakhpur (UP) through G.M. NER, Gorakhpur.
 10. Sri Gauri Shanker,
Ex. G.M., NER, Gorakhpur (UP)
through G.M., NER, Gorakhpur (UP) ... Respondents.
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JUDGMENT

By Hon'ble Mr. S.R. Adige, Member (A).¹

We have heard the applicant Shri M.¹ Siddique in person on O.A.No.866/96 which was filed by him on 24.4.96.

2. The first prayer is for quashing of the order of compulsory retirement dated 15.3.89 (Annexure-A1). Manifestly this order no longer survives, because by President's order dated 23.4.92 (referred to in respondents' letter dated 26.5.92 at Annexure-A2), the applicant has been ordered to be reinstated to his original post of Senior Scale Commercial Officer (Respondents' letter dated 5.8.92 at Annexure A4). The respondents have directed the applicant in several communications thereafter to report for duty after which they would take a decision as to in which manner the intervening period between his date of compulsory retirement and the date of resumption of duty was to be treated, but the applicant appears to have been insisting that the respondents would first take a decision how the intervening period was to be treated before he joined duty in response to the President's order.¹ The first such letter asking the applicant to rejoin duty was dated 14.5.92 (referred to at Annexure-A2) and if the applicant had any grievance against that letter, he should have approached the Tribunal within time.¹ Clearly he has not done so, and hence

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this prayer is barred by limitation under Sec.21 of A.T. Act. It is also settled by S.S. Rathore vs. State of MP (AIR 1990 SC 10) that repeated representation not provided by law do not extend the period of limitation. Allied to this prayer for quashing of the order dated 15.3.89 is the prayer that the applicant should be treated to have continued in service and he therefore, be paid full salary allowance etc. till the date of his normal superannuation on 31.1.95 on attaining the age of 58 years but as the order dated 15.3.89 was itself withdrawn by the respondents and the applicant was reinstated and asked to rejoin duty, which he failed to do, he is barred by limitation under Sec.21 of A.T. Act in invoking the Tribunal's jurisdiction at this stage.

3. The second and third prayer for expunction of uncommunicated average/adverse remarks in the applicant's ACR's for the period 1983-84 to 1987-88 and for upgradation of his assessment for 1988-89 as Outstanding is likewise hit by limitation u/s. 21 of A.T. Act.

4. Likewise the fourth prayer for promotion to JAG and to Class I service is likewise hit by limitation under Sec. 21 of A.T. Act.

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5. Similarly the fifth prayer for payment of P.F., V.P.F., gratuity, leave-encashment, insurance, pension and other dues at the higher rates consequent upon the deemed uninterrupted continuity of the applicant's service till the normal date of superannuation is also hit by limitation under Sec. 21 of the A.T. Act.

6. The 6th, 7th, 8th, 9th and 10th reliefs seek damages/compensation for alleged harassment. These claims are not made out at all and in any case, this Tribunal is not the appropriate forum to press such reliefs.

7. Reliefs 11 and 12 relates to claim of penal interest on damages/comensation and income tax reliefs but as stated in para 6, those claims are not made out all and hence again this Tribunal is not the competent forum before whom such reliefs can be pressed.

8. Reliefs 13, 14, and 15 seek departmental action against individual officers but manifestly such reliefs would arise only if in the first instance it was held that the applicants compulsory retirement wide order dated 15.3.89 was indeed against law and malafide so as to invite such action, but as stated above, any inquiry into that order

dated 15.3.89 is itself hit by limitation at this stage, or in view of the respondents subsequent orders, no longer survives.

9. The last relief prayed for viz. for evolving a fool proof evaluation system, all lies outside the scope and jurisdiction of the Tribunal.

10. In view of the above, this O.A. is summarily dismissed. No. costs.

Lakshmi Swaminathan

(SMT. LAKSHMI SWAMINATHAN)
MEMBER (J)

S.R. Adige

(S.R. ADIGE)
MEMBER (A)