

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1517/97

New Delhi this the 19th February 1998

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

Shri Buddhan,
Son of Shri Rammutullah,
RCW Blacksmith,
Presently residing at C/2/304 Janakpuri,
New Delhi-110 058

Petitioner

(By Advocate: Shri H.K. Gangwani)

-Versus-

Union of India and others

Through

1. General Manager,
Northern Railway, Baroda House,
New Delhi.

2. Divisional Railway Manager,
Northern Railway, Allahabad

Respondents

(By Advocate: Shri O.P. Kshatriya)

ORDER (Oral)

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

- The applicant who retired on 31.1.1997 is aggrieved that the retiral benefits have not been correctly calculated by the respondents inasmuch as they have not taken into account the service rendered by him from 1.1.1963 to 23.11.1965 when he was given regular appointment.

2. The respondents in their reply has stated that the applicant had been engaged as a Casual Labourer on 8.8.1963 and was given temporary status and regular pay scale w.e.f. 23.11.1965. As per Rule 31 of the Railway Pension Rules of 1993 half the service paid from contingencies shall be taken into account for calculating pensionary benefits. This has been done in the case of the applicant.

JK

3. I have heard the counsel. From the copy of the representation made by the applicant dated 1.4.1997 to the Divisional Railway Manager, Northern Railway, Allahabad it appears that the applicant had been representing that his services should have been regularised with retrospective date i.e. 1.1.1963 as he had been working as Casual Labourer from that date of the applicant had a grievance on that account it is now too late in the day to come before the Tribunal and seek a direction to that effect. If he was aggrieved by the order of his regularisation from 1965 he should have approached the appropriate forum for relief at the appropriate time. He cannot now in the guise of seeking a relief in respect of retiral benefits reopen an issue which is more than 30 years old. I therefore find that the OA is not maintainable and is totally time barred. The same is accordingly dismissed.

R.K. Anooja
 (R.K. Anooja)
 Member (A)

Mittal