

109

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1863/87

New Delhi this the 6th Day of April, 1994.

Hon'ble Mr. B.N. Dhoundiyal, Member(A)

Shri Lal Chand,
S/o Sh. Udho Das,
R/o 507/14, Ram Nagar,
Basai Road, Gurgaon.

Applicant

(By advocate Sh. Ashish Kalia)

versus

1. Union of India,
through the Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. The Chief Administrative Officer,
Armed Forces Head-Quarters,
Ministry of Defence,
Dalhousie Road,
New Delhi.

Respondents

(By advocate Sh. P.H. Ramchandani, Sr. Counsel)

ORDER (ORAL)

delivered by Hon'ble Mr. B.N. Dhoundiyal, Member(A)

This O.A. has been filed Sh. Lal Chand, a retired Jamadar, Peon of Army Headquarter ~~is~~ seeking ~~for~~ the following reliefs:-

- (i) That para 2(a) of the impugned order dated 2.6.84 relating to date of birth be set aside. The applicant be reinstated in service and continued till 31.5.92;
- (ii) That the payment of the following pay and allowances as mentioned in the impugned order with interest without further delay:
 - (a) Pay and allowances from 28.12.76 to 29.2.1968.
 - (b) TA/DA for the period 1.3.68 to 15.11.68.
 - (c) Refund of rent of quarter of the applicant from August 1979 to March 83 &
 - (d) House rent allowance from August 1979 to March, 1983.

- (iii) That the applicant be given promotion due to him. He should also be given selection grade and also stagnation pay.
- (iv) That the pay of the applicant should be fixed on his absorption into AFHQ, with all consequential benefits of arrears of pay etc.
- (v) That pay and allowances for the period from 1.3.68 to 30.4.69 may also be paid to the applicant.

At the outset, the learned counsel for the respondents raised a preliminary objection that the ^{OA} is hopelessly time barred as relief is being sought for the periods ^{by} ~~1966-67~~ 1967 onwards which is not covered even under sub-section(3) of Section 21 of the Central Administrative Tribunals Act, 1985. This application was filed belatedly in November, 1987.

The learned counsel for the applicant fairly stated at the Bar that taking into consideration all the factors, he would only press for the relief that the payments due to the applicant on account of HRA and refund of rent may be verified once more and any amount due to him may be paid even at this ^{by} ~~later~~ stage.

In view of this submission, I do not think it necessary for this Tribunal to ^{by} ~~go~~ into a detailed analysis of the ~~above~~-mentioned reliefs claimed in the original application. The O.A. is disposed of with the direction to the respondents that they may scrutinise the accounts of the applicant once more with a view to ensure that no payments actually due to him are withheld. The responsibility shall be assigned to some responsible officer who will append certificate ^{to this effect} ~~there to~~. While parting, I would like to add that as the case is barred by limitation, issue of such a certificate shall not enable the applicant to over come the limitation.

No costs.

B.N. Dhoondiyal
(B.N. DHOONDIYAL)
MEMBER(A)

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