

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(10)

OA 2185/93

New Delhi, This 2nd day of September, 1994

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

Sh. Chandrika Singh,
S/o Sh. Raj Bali Singh,
Chief Goods Supervisor(Retired),
Northern Railway, Aligarh under
Divisional Railway Manager, Allahabad.

R/o 295, Shankar Marg No.4,
Mandawali Fazil Nagar,
Delhi - 92.

..... Applicant

(By Advocate : Sh. M.L. Sharma)

Versus

1. Union of India through,
General Manager,
Northern Railway Headquarters Office,
Baroda House, New Delhi.

2. Chief Commercial Manager,
Northern Railway Headquarters Office,
Baroda House, New Delhi.

3. Divisional Railway Manager,
Northern Railway,
Allahabad.

.... Respondents

(By Advocate : Sh. Rajesh)

ORDER(ORAL)

Shri B.N. Dhoundiyal

This OA has been filed by Shri Chandrika Singh
who retired as Assistant Goods Clerk in Northern Railway
for grant of pay and allowances for the period between
20.8.1986 when he was compulsorily retired and 16.2.1989
when he was reinstated. On 19.8.1986, a notice was
served / for compulsory retirement under Rule 2046(K) of

Railway Establishment Code Volume II. He represented to the
S.Y.

.... 2/-

Railway Board and XXX was reinstated in service on 17.2.1989 in terms of letter dated 16.2.1989, in which it was also stated that the period between the date of premature retirement and the date of reinstatement will be decided later on. The following reliefs have been prayed for:-

- (i) "This Hon'ble Tribunal may be pleased to order to withdraw the impugned order (Annexure A-1), and to direct the respondents to pay full wages and allowances, yearly increments as was due to the applicant during the intervening period with interest at Rs.18% per annum.
- (ii) This Hon'ble Tribunal may further be pleased to direct the respondents to pay pension and other retiral benefits on the increased pay due to the applicant including the payment of leave encashment for maximum 240 days.
- (iii) This Hon'ble Tribunal may further be pleased to direct the respondents to pay back Rs.4472.40 to the applicant unduly deducted from him."

2. In the counter filed by the respondents, it is contended that the OA is highly time barred. The order issued on 24.7.1989 is being challenged after four years. The applicant's case was considered sympathetically and the period between 20.8.1986 to 16.2.1989 was regularised as leave due and he was paid his leave salary. The Railway Board did not find the compulsory retirement as illegal or unfair but on XXXXXX sympathetic grounds reinstated him. It is admitted fact that the impugned order was issued in 1989. The applicant submitted a representation to the authorities in 1990 but approached this Tribunal only on 11th October, 1993. I am, therefore,

SDN

(1D)

that ^{2w}
constrained to hold this application XXXXX is hopelessly
time barred. It is, therefore, dismissed.

3. Certain instructions regarding treatment of the
period intervening between the date of premature
retirement and the date of reinstatement have been
given in para 5 of the Railway Board's letter
No. E(P&A) I-76/RT-7, dated 2.2.1977. I have no doubt,
that the Railway Board shall satisfy themselves whether
the procedure laid down therein has been strictly
followed. No costs.

B.N.Dhundiya
(B. N. Dhundiya)
Member (A)

/ravi/