

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allanabad : Dated this 19th day of November, 1999

Original Application No. 217 of 1996

District : Deoria

CORAM :-

Dinesh Singh

S/o Jamuna Singh,

260 Vill-Bhatwalia

PO & Distt-Deoria.

(Sri Amarendra Singh, Advocate).

..... Applicant

Versus

1. Union of India

Through its General Manager,

North Eastern Railway,

Gorakhpur.

2. Divisional Railway Manager,

North Eastern Railway,

Varanasi.

3. Divisional Mechanical Engineer(Power),

Varanasi Division, North Eastern Railway,

Varanasi.

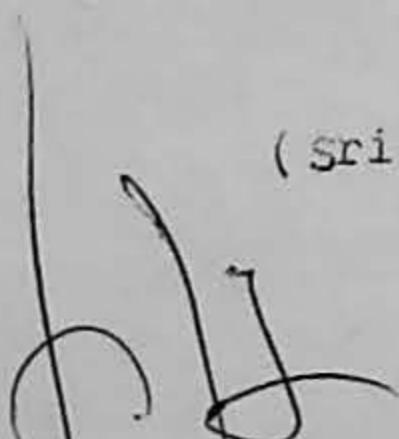
4. Divisional Personnel Officer,

North Eastern Railway,

Varanasi.

(Sri B.C. Saxena, Advocate)

... Respondents



ORDER

By Hon'ble Mr. L. HMIN LIANA, A.M.

The OA filed by the applicant, who was once a Boiler Maker in the Office of District Mechanical Engineer, Sonepore, is for direction to the respondents to pay him his salary for the period from 5-10-1977 to 31-10-1995 and also gratuity, provident fund, pension and also bonus to him.

2. The applicant was absent during the period and, therefore, there could be no question of his rejoining service as he reached the age of superannuation before he could resume duties.

3. According to the respondents vide their written statement dated 21-4-1997, the applicant was absent right from 2-7-1972 and he was not paid his salary from that date and that he was removed from service on 4-4-1978.

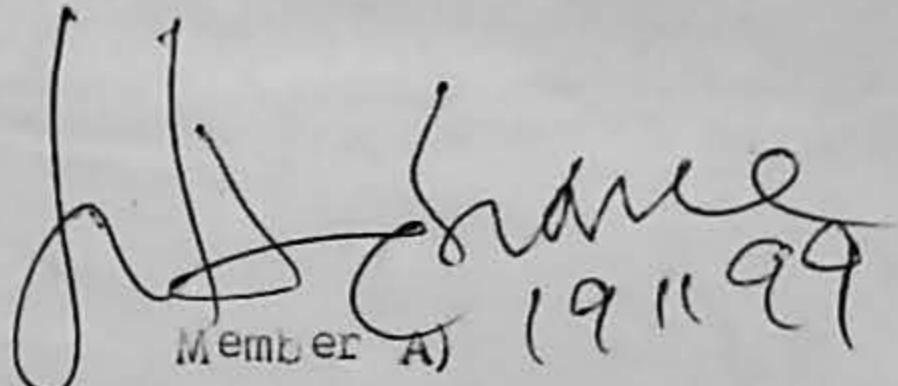
4. Learned counsel for the respondents contended that the OA is barred by limitation in terms of the provisions of ~~Section~~ 21(2) of the Administrative Tribunals Act, 1985 and ~~the claim~~ and the claim relates to the period long before the establishment of the Tribunal.

5. According to Sri Amarendra Singh, learned Counsel for the applicant, he was neither suspended nor removed from service and he sent applications for leave, on which no action was taken by the respondents. He pointed out that the respondents have not traced out the record pertaining to the leave applications and representations made by the applicant and that has become <sup>a</sup> convenient excuse for denying him his entitlement to leave, salary, gratuity and pension.

6. The application would be hit by limitation

prescribed under section 21(2) of the Act. However, the OA has already been admitted. The question now is that as to whether the applicant has established his entitlement to the claim made by him. The answer has to be in the negative, as the documentary evidence provided by him are simply not sufficient to enable the Tribunal to grant him relief prayed for in his OA.

7. The application is, therefore, dismissed with no order as to costs.

  
Member A (19/11/99)

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