

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 11th day of DECEMBER 2002.

Original Application no. 920 of 1996.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Somdutt Sharma "Anuragi",
S/o late B.C. Sharma,
R/o 5B/65 Krishna Nagar, Bhogipura,
AGRA-10.

... Applicant

By Adv : ShriV. Srivastava

Versus

1. Union of India, through General Manager,
Western Railway, Church Gate,
BOMBAY.
2. Divisional Railway Manager,
Western Railway,
JAIPUR.
3. President Railway Schools and Senior Divisional
Personnel Officer,
JAIPUR.

... Respondents

By Adv : Shri Amit Sthalekar

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

1. By this O.A. under section 19 of the A.T. Act,
~~he claimed~~ 1985, the applicant ~~made~~ multiple reliefs. A Division Bench of this Tribunal on 23.10.1997 passed the following order :-

"It was put to the ~~to the~~ learned counsel for applicant that this O.A. would not be maintainable since multiple reliefs have been prayed ~~for~~ which are not consequential to each other. He was further asked to indicate why the OA be not

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dismissed being barred by limitation. The reliefs claimed are beyond 10 years and no representation appears to have been made. The learned counsel submitted that the applicant has given up all other reliefs except relief IV. We, accordingly entertain this OA only in respect of relief IV. The learned counsel will delete all other reliefs."

Though the direction was given to delete, but the same has not been deleted. However, in view of the order dated 23.10.1997, this O.A. is alive only with respect to relief no. IV, by which the applicant has claimed a direction to the respondents for making payment of balance leave of 27 days.

2. The facts of the case are that the applicant was initially appointed on 1.1.1959 as Class IV employee under the appointment letter dated 24.12.1958. On 28.1.1969, the applicant was appointed as Assistant Teacher. On 16.2.1973, he was posted as Assistant Teacher in Railway Primary School Achnera II, Distt. Agra. In this school the applicant took charge of Head Master on 2.11.1975. He was worked as Head Master till his retirement i.e. on 31.12.1992.

3. From the aforesaid facts, it is clear that the applicant retired on 31.12.1992, but his OA has been filed on 20.8.1996, claiming payment regarding leave, so the OA has been filed after about four years and there is a long inordinate delay, which has not been explained. He has not even approached the departmental authorities for the aforesaid reliefs.

4. In the circumstances, the OA is liable to be dismissed as time barred. The OA is accordingly dismissed as time barred with no order as to costs.

/pc/

Vice-Chairman