

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 63 of 1998  
Allahabad this the 28th day of April, 1998

Hon'ble Mr. D. S. Baweia. Member (A)

Smt. Malti Devi, aged about 60 years  
widow of Late Shri Prem Bihari Lal  
R/o 193, Colonel Gang, Allahabad.

Applicant.

By Advocate Sri Rakesh Verma

Versus

1. Union of India, through the General Manager,  
Northern Railway. Baroda House, New Delhi.
2. The Divisional Railway Manager,  
Northern Railway, Lucknow.

Respondents.

ORDER (Oral)

By Hon'ble Mr. D. S. Baweia. Member (A)

Shri Rakesh Verma, Counsel for the  
applicant is present. Heard counsel for the applicant on the  
point of admission.

It is noted that this O.A. has been  
filed with the prayer to direct the respondents to  
re-fix the monthly pension of the applicant and  
other retiral benefits after calculating the average  
as pay taking ~~60%~~ 75% running allowance as pay  
element and to pay arrears w.e.f. 06.08.1988. Applicant  
has also claimed the payment of interest of 18%  
per annum on the arrears.

(2)

From the submissions made in the O.A, it is noted that the applicant has sought relief in terms of the order of the Full Bench of the Tribunal in the case of C.R. Rangachamaiah vs U.O.I, 80rs which has been subsequently upheld by the Hon'ble Supreme Court, in the S.L.P. filed by the respondents. It is, however, noted that the applicant has not made any representation seeking the benefits as per the order of the Full Bench. The last representation made and brought on record is on 21.05.1994. This representation has been filed before the order of the Full Bench. The applicant should have made first representation to competent authority seeking the benefits per the order of Full Bench and in case the respondents did not take action/ and did not allow the benefits of the order of Full Bench, then only the cause of action <sup>would</sup> have arisen for seeking legal remedy. Keeping this in view, I hold that the applicant has approached the Tribunal by filing this O.A, without availing the remedy of redressal available to him by making a representation.

I, therefore, hold that the present O.A. is premature and deserves to be dismissed. The O.A. is accordingly dismissed in limine at the stage of admission.

(ANAND)

  
Member (A)