

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THEB 7TH DAY OF FEBRUARY, 2002

Original Application No.538 of 2001

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Munny Khan son of late Sri kallu
R/o 131/4-A(B) Begumpurwa Kanpur Nagar
Employed as lower division clerk
(LDC) in the Small Arms Factory,
Kalpi Road, Kanpur in Raj Bhasha
Department Karmik No.703496

... Applicant

(By Adv: Shri R.C.Singh)

Versus

1. Govt. of India, Ministry of Defence
Indian Ordnance Factories through
Secretary, Ministry of Defence
Ordnance Factories.
2. Secretary, Ordnance Factory
Board Ayudh Bhawan, 10-A Shaheed
Khudi Ram Bose Road, Calcutta
3. General Manager, Small Arms
factory Kalpi Road, Kanpur Nagar.

.... Respondents

(By Adv: Shri R.C.Joshi)

O R D E R (Oral)
JUSTICE R.R.K.TRIVEDI,V.C.

This OA has been filed u/s 19 of A.T.Act 1985 for
adirection to the respondents specially respondent no.2
to reimburse the medical claims of the applicant already
filed with regard to the period of June 1996 to June
1998. The claim of the applicant was initially rejected
by order dated 16.6.1998(Annexure 4) saying that claim is
not genuine. Thereafter, another order was passed on
20.11.1999(Annexure 11) wherein it was stated that the
~~and it was further stated~~
ground was repeated that the applicant should get himself
treated in civil hospital. The last order was passed on
16.4.01 repeating the same thing that the applicant



should get himself treated in civil hospital. The cause of action thus ~~arose~~ ^{arose} to the applicant on 16.6.1998. This OA has been filed on 1.5.2001. The OA appears to be time barred. Learned counsel for the applicant, however, submitted that after the order dated 16.6.1998 was passed the applicant was making representations and on his representations order dated 20.11.1999 and 16.4.2001 were passed hence there is no delay. In our opinion the submission is not correct. The cause of action arose on 16.6.1998 when the first order was passed. The period of limitation started running from that date and running could not be arrested by making successive representations which in this case has been done. The orders which were passed subsequently were only repeating the same ~~obstruction~~ ^{Observation} that the applicant should get himself and his family treated in civil hospital. Thus, this OA is found time barred and the applicant is not entitled for any relief.

The OA is accordingly disposed as time barred. No order as to costs.

MEMBER (A)

VICE CHAIRMAN

Dated: 7th Feb: 2002

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