

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 12TH DAY OF JANUARY, 2001

Original Application No. 08 of 2001

CORAM:

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

Vindhya Chal Tewari, S/o Sri Jangannath Tewari  
R/o T/65-B&C Baulia Railway Colony  
N.E. Railway, Gorakhpur, presently working  
as Guard at N.E.Railway,  
Gorakhpur.

... Applicant

(By Adv: Shri B.Tewari)

Versus

1. Union of India through the General Manager, N.E.Railway, Gorakhpur.
2. Divisional Rail Manager(Operation) N.E. Railway, Varanasi.

... Respondents

O R D E R(Oral)

(By Hon.Mr.Justice R.R.K.Triivedi,V.C.)

By this application u/s 19 of A.T.Act 1985 the applicant has prayed for setting aside the recovery of the amount from the applicant for occupying the quarter No.CTC-30-K situated at Seewan. The facts as stated in the application reveal that realisation of the penal rent was started from the salary of the applicant from January 1993 @ Rs.1593/- per month. This application has been filed on 1.1.2001 i.e. after more than seven years. The learned counsel for the applicant has however submitted that there was a recurring cause of action for the applicant and this application could be legally filed on 1.1.2001. I have carefully considered the submission made by the learned counsel for the applicant. However, I do not find that there is any recurring cause of action

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available to the applicant. The applicant has disclosed in the application itself that the entire amount of penal rent due from the applicant for unauthorised occupation of the quarter was fixed as Rs.1,58,000/-. This amount must have been fixed on or before its realisation started in January 1993. Thus the cause of action for the applicant arose on the date this amount was ordered to be realised as penal rent from the applicant. However, the mode of realisation was provided that amount shall be realised @ 1593/- per month. On the basis of ~~this~~ <sup>the</sup> ~~applicant~~ <sup>claims continuing</sup> the mode of realisation could not ~~cause~~ <sup>cause</sup> of action, ~~to the applicant~~. By now the applicant has already paid about Rs.1,35,000/-. I do not find any explanation for this long and inordinate delay in filing this application.

The application is accordingly dismissed as time barred.



VICE CHAIRMAN

Dated: 12.1.2001

UV/-