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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated: This the 25th day of APRIL 2006.

Original Application No. 848 of 2005.

Hon'ble Mr. Justice Khen Karan, Vice-Chairman
Hon'ble Mr. A.K. Singh, Member (A)

Rahmat Ullah, S/o Late N. Ullah,
Ex-Officio Superintendent,
Sr. Divl. Mechanical Engineer's Office,
R/o Mohalla - Putlighar,
Near Pucca Bridge,
MIRZAPUR CITY.

.....Applicant

By Adv. Sri Rajesh Pahik

VERSUS

1. The Union of India, through Secretary,
Ministry of Railways,
NEW DELHI.
2. The General Manager, Northern Railway,
Baroda House,
NEW DELHI.
3. The Divisional Railway Manager,
Northern Railway,
LUCKNOW.
4. The Sr. Divisional Accounts Officer,
Northern Railway,
LUCKNOW.

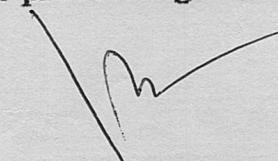
.....Respondents

By Adv. Sri A.K. Gaur

ORDER

By Justice Khem Karan, V.C.

Heard Sri R. Pathik learned counsel for the applicant and Sri A.K. Gaur learned counsel for the respondents on the question of limitation. What Sri Pathik submits is that the OA is not barred by period of limitation in view of the order dated 21.05.2004 passed in contempt proceedings and moreover non



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payment of pension and other dues is a continuing cause of action. Sri Gaur has however submitted that the OA is barred by period of limitation as it has not been filed within a period of one year from the date of the order dated 19.12.2002.

2. In compliance of Tribunal's order dated 21.05.1994 passed in OA No. 1255 of 1994, the authority concerned passed an order dated 19.02.2002, allowing certain benefits to the applicant but even there benefits have not been actually given to him. The contempt proceedings were disposed of, providing that in case the applicant had any grievance against that order of 19.02.2002, he could bring separate action.

3. The applicant is aged about 75 years, and in the circumstances, it is difficult to say that O.A. is barred by time. Even if it is accepted that there was some delay, the same deserved to be condoned in the interest of justice, even on the oral request to do so. The O.A. is admitted for hearing.

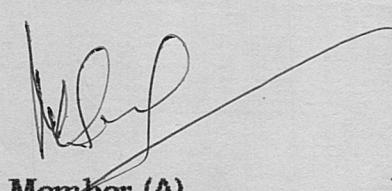
4. Sri Pathik has submitted that his client would be satisfied if this Tribunal directs the respondents to comply their own order dated 19.02.2002. Sri Gaur appearing on behalf of the respondents' states that he has no objection to the issuance of direction for compliance of order dated 19.02.2002, if those orders are still alive and have not been taken back. He says that the OA may be finally disposed in view of what has been submitted by the learned counsel for the parties.

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5. So this OA is finally disposed of with the direction that in case order dated 19.02.2002 (Annexure 8) are still alive, respondent No. 3 namely D.R.M., N. Rly., Lucknow will ensure that the benefits accruing to the applicant on the basis of that order are actually given to him within a period of three months from the date copy of this order is produced before him. No order as to cost.



Member (A)



Vice-Chairman

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