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Reserved Order

Central Administrative Tribunal Allahabad.

Registration O.A.No. 913 of 1988

Pyare Lal ...

Applicant

Vs.

G.M.N.E.Railway Gorakhpur
and others ...

Respondents.

Hon.D.S.Misra, AM
Hon.G.S.Sharma, JM

(By Hon.G.S.Sharma, JM)

The applicant in this application u/s. 19 of the Administrative Tribunals Act XIII of 1985 is reported to have joined the N.E.Railway as a Cook in 1956. On account of his unavoidable absence he was dealt with departmentally and by way of punishment removed from service in 1976. The appeal preferred by the applicant is stated to be ^{have} allowed in 1980 and the applicant was directed to resume his duty and deposit the amount of Provident Fund withdrawn by him after his removal which he could not do in lump sum and requested to adjust the same from the salary in instalments. The applicant was not given any reply and he made representations on 28.9.1987 and 11.10.1987 to the DRM Izatnagar through a legislator whereupon the applicant was asked on 12.11.1987 to produce the necessary documents in support of his claim. It is further alleged that the applicant did not have any papers ~~and~~ as he had already deposited the same in office and requested to get the particulars verified from the office of the Railway administration. He was informed by the DRM on 24.2.88 that as the applicant could not furnish any new material or the required service record

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in support of his case, his case could not be re-opened. The applicant thereafter approached this Tribunal and filed this application on 19.7.1988 for his reinstatement in service and adjustment of his GPF withdrawn by him as well as grant of pensionary benefit. The contention advanced on his behalf is that the petition having been filed against the last order dated 24.2.1988, it is well within the prescribed period of limitation.

2. We have carefully examined the contentions raised on behalf of the applicant and are of the view that on his own showing the applicant was removed from service in 1976 and then reinstated in 1980 under the orders of the appellate authority but he could not join his duty allegedly on account of his inability to deposit the provident fund amount withdrawn by him. The matter is thus atleast 8 years old and the railway administration having refused to reopen his case in the absence of any fresh material we are of the view that the petition is badly barred by law of limitation prescribed by S.21 of the A.T.Act and the applicant cannot claim limitation from the order dated 24.2.88 as it is not the final order but merely a reply in respect of an already closed matter of 1980. It does not give fresh cause of action to the applicant and as such, this application cannot be admitted.

3. The application is accordingly dismissed at the admission stage.

[Signature]
MEMBER(J)

[Signature]
MEMBER(A)

Dated: 22nd Aug.1988

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