

(A) P.T.
CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD

O.A. No. 535/89

Nawab Singh.....

.....Applicant

Versus

Union of India and others.

.....Respondents.

By Hon'ble Mr. Maharaj Din, J.M.

The applicants have preferred this application under section 19 of the Administrative Tribunal Act 1985, to issue direction to the respondents to make payment of arrears of salary for the period when the applicant remained under suspension.

2. The relevant facts giving rise to this application briefly stated are that the applicant was appointed on the post of gangman in Northern Railway on 11.12.1961. He was promoted to the post of keyman in the year 1984 and was further promoted on the post of mate and presently he was working at Railway Station Bharwari District Allahabad. The applicant was implicated in a criminal case under section 395/397/412 I.P.C. and 25 Arms Act. The applicant was tried for said offences but he was acquitted vide judgment dated 3.9.1985 and 26.2.1973. (Annexure 1 and 2). It is stated that during the period of his involvement in the criminal case he was placed under suspension and he was not paid the salary of the said period, hence he has come up before the Tribunal for the relief stated above.

3. The respondents filed counter reply and resisted the claim of the applicant mainly on the ground that the application is barred by limitation.

4. I have heard the learned counsel for the parties and perused the record.

5. Following the criminal proceedings the applicant was placed under suspension on 7.2.1972. He was reinstated on 8.9.1979 before final decision of the

Ch. Contd....2

criminal case. The applicant was paid suspension allowance since 1973 to 31.7.1974. He was not paid suspension allowance from August, 1974 to January, 1975. Thereafter the applicant was paid suspension allowance till he was reinstated on 8.9.1979, and he is also getting his salary regularly since then. The applicant made representation for payment of suspension allowance and the salary but the same was not paid to him. The cause of action accrued to the applicant on 8.9.1989 and he was reinstated claiming for the suspension allowance and the salary of the period from August, 1974 to January, 1975. As such the cause of action accrued to the applicant before enforcement of the Administrative Tribunal Act 1985. Thus the claim of the applicant is badly barred by limitation.

6. The application being barred by limitation is hereby dismissed with no order as to the costs.

Dated: Allahabad
17th Feb., 1993

AMW
17.2.93
Member (J)

(AR)