

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1598 of 1994

Allahabad this the 06th day of June, 2002

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. C.S. Chadha, Member (A)

Smt. Manaka Kunwar W/o Late Raj Nath Singh (applicant who filed this O.A.), aged about 58 years, resident of village : Piparia, Thana : Chand, Distt.: Kaimoor (Bihar).

Applicant

By Advocate Shri S.S. Sharma

Versus

1. Union of India owned and represented by the Chief Administrative Officer/Construction, Northern Railway, Kashmere Gate, Delhi-6.
2. The Divisional Railway Manager, Northern Railway, Allahabad.
3. The Dy. Chief Engineer/Construction, Northern Railway, Kanpur.

Respondents

By Advocate Shri A.K. Gaur.

O R D E R (Oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed that he may be allowed pension with other pensionary benefits on 26 years continuous services rendered by him with complimentary passes as per rules.

The applicant-Raj Nath Singh died on 05.01.1999 during
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the pendency of this O.A. His widow-Smt. Manaka Kunwar has been substituted in his place.

2. The facts of the case giving rise to this application are that the applicant joined Railways as Store Issuer on 28.11.1962. He continued to serve in this capacity upto 1988. However, just before his retirement, which was due on 31.07.1988, the applicant made application for regularisation. By order dated 22.07.1988 the applicant was called for screening and his services were regularised w.e.f. 01.04.1984. The applicant retired on 31.07.1988. In view of the Railway Board Circular dated 11.09.1986, the applicant was also granted temporary status w.e.f. 01.01.1981. As the applicant was not paid any pensionary benefits, he made a representation on 22.11.1993, which has been rejected by the order dated 16.12.1993 (annexure-1), Aggrieved by which, he filed this O.A. on 17.10.94.


3. The counter-affidavit has been filed by the respondents denying the claim of the applicant. It has been stated that as applicant could not complete the requisite period for earning pension, his representation was rejected. It has also been stated that he was employed in a Project and could not be granted temporary status until the Railway Board's order dated 11.09.1986 was received for granting temporary status to Project Labourers also w.e.f. 01.01.1981. The applicant was regularised as Khalasi in the grade of Rs.750-940/- w.e.f. 01.04.1984, however,



he continued to officiate as Store Issuer in the scale of Rs.950-1500/- against ex-cadre work charged post sanctioned from time to time on T.L.A. basis. Learned counsel for the applicant has submitted that the applicant had rendered 26 years of service with Railways, but he was not regularised, for which the applicant cannot be blamed. For this long delay and regularising him only at the fag end of his service career, only respondents can be held responsible. Learned counsel for the applicant has placed reliance on various Judgments and submitted that the applicant should have been regularised much earlier.

4. We have considered the submissions and also the Judgments cited by learned counsel for the applicant. However, in the facts of the present case, in our opinion, the applicant could not claim any benefit. We have perused the O.A. and the relief therein. He has not challenged the order by which he was regularised w.e.f. 01.04.1984. He succumbed^{ed} to this order and accepted it. He has also not challenged the order by which he was conferred temporary status w.e.f. 01.01.1981. It was for the applicant to challenge the aforesaid two orders immediately ^{They were passed, if} after he was aggrieved by them. As the aforesaid orders were never questioned either before this Tribunal or before any authority or Court, they are accepted to be as final. The impugned order has been passed on the basis of ^{afore}said orders. Even after retirement the applicant filed representation in the year 1993 i.e. after more than five years and when the representation was rejected then he only approached this Tribunal.

5. In the circumstances mentioned above, the Judgments relied on by the learned counsel for the applicant are not applicable and the applicant is not entitled for any relief. The order does not suffer from any error of law. The O.A. is accordingly dismissed. No order as to costs.


Member (A)


Vice Chairman

/M.M./