

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 23rd day of September, 2002.

Original Application No. 1280 of 2002.
(Diary No. 2620/2002)

Hon'ble Maj. Gen. K.K. Srivastava, Member- A.
Hon'ble Mrs. Meera Chhibber, Member- J.

Jai Krishan S/o Sri Bal Krishan
R/o 122 III, Sambhal Gate, Chandausi.
.....Applicant.

Counsel for the applicant :- Sri S.S. Upadhyay

V E R S U S

1. Union of India through the Joint Director, Establishment (P&A), Railway Board, New Delhi.
2. The General Manager, Northern Railway, Baroda House, New Delhi.
3. Principal, Zonal Training Center, Northern Railway, Chandausi, Moradabad.

.....Respondents.

Counsel for the respondents :- Sri A.K. Gaur

O R D E R

(By Hon'ble Maj. Gen. K.K. Srivastava, Member- A.)

In this O.A filed under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for quashing the order dated 10.07.2001 (annexure- 1) and has prayed for direction to the respondents to pay salary of the applicant from 04.11.1975 i.e. the date of premature compulsory retirement to 31.12.1980 i.e. the actual date of compulsory retirement in accordance with law. He has also sought for direction to the respondents to consider the appointment of son of the applicant in institution.

2. The facts , in brief, are that the applicant was appointed on 21.09.1945 in Sanghla Hill, Multan Division, North Western Railway (Now in Pakistan) as Block Maintainer.

.....Contd.2.

After partition, he was transferred to Moradabad Division of East Indian Railway now Northern Railway. The last posting of the applicant was at Zonal Training Centre, Chandausi, Northern Railway as Block Inspector. As per the applicant he received notice of the General Manager, Northern Railway on 07.08.1975 that he would be retired compulsorily on 03.11.1975 (annexure- II).

The applicant's date of birth is 12.12.1925 and as such, according to him, the date of superannuation stand continued to 13.12.1983.

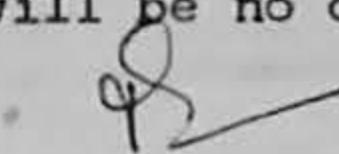
3. The applicant has pleaded that he was compulsorily retired by the respondents on 31.07.1975 without giving any show cause notice. The applicant also filed a petition before the Labour Court for payment of provisional pension and D.C.R.G on 15.11.1984. The Labour Court was finally disposed of the petition bearing No. 233/1984 ^{on} 21.08.1986 directing the respondents to pay the 90% of the provisional pension and 75% of the D.C.R.G with 12% compound interest. This fact makes it clear that the applicant has ^{acquired} ~~been pleased~~ to the situation.

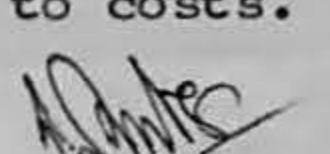
4. The applicant has challenged the order dated 10.07.2001. On perusal of the impugned letter dated 10.07.2001, we find that the respondents have mentioned that the matter regarding review of the applicant's premature retirement had been considered in the past also. Admittedly, the applicant was compulsorily retired on 31.07.1975. This Tribunal was created in November, 1985. The Administrative Tribunals Act, 1985 does not ^{vest} ~~not~~ any power of authority to take cognizance of grievance arising out on an order passed prior to 01.11.1982 as held in V.K. Mehra Vs. Secretary, M/o Information and Broadcasting, New Delhi ATR, 1986 (1) C.A.T (203).

.....Contd.3.

5. The applicant in this O.A has challenged the issue of his compulsory retirement passed vide order dated 31.07.1975. The cause of action arose on 31.07.1975. The impugned letter dated 10.07.2001 does not give the applicant fresh cause of action and, therefore, in our opinion, the O.A is highly time barred and is dismissed accordingly.

6. There will be no order as to costs.


Member- J.


Member- A.

/Anand/