

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH : ALLAHABAD

Original Application No.1573 of 2002

Tuesday, this the 9th day of September, 2003

Hon'ble Maj. Gen. K.K.Srivastava, A.M.

Hon'ble Mr. A.K.Bhatnagar, J.M.

Fulesri Devi,  
W/o Late Shri Raghubar Prasad,  
R/o Vill. Tari Ghat Post Office  
Tari Ghat Tahsil Zamania  
District Ghazipur.

.... Applicant.

(By Advocate : Shri K.K.Yadav)

Versus

1. Union of India,  
through General Manager,  
Eastern Railway, Kolkata.
2. General Manager,  
Eastern Railway,  
Kolkata.
3. Divisional Railway Manager,  
Danapur.

.... Respondents.

(By Advocate : Shri K.P.Singh)

ORDER (ORAL)

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

In this OA, filed under Section 19 of A.T. Act, 1985,  
the applicant has prayed for direction to the respondents

 Contd...2.

to pay the entire arrear of salary of the husband of the applicant for which the deceased employee was entitled.

2. The learned counsel for the respondents have stated that late husband of the applicant filed an application dated 18.5.2001, which was absolutely vague. The respondents issued letter dated 9.7.2001 directing the deceased employee for submitting <sup>an</sup> another application indicating the duty <sup>in</sup> period <sup>for</sup> which no payment had been made. The deceased employee <sup>has</sup> filed an application dated 13.7.2001. <sup>the</sup> same was examined thoroughly with reference to the available records <sup>and</sup> then Competent Authority passed speaking order thereafter. On the basis of order of Competent Authority, payment order was passed and the said payment is lying unpaid which will be paid to the wife of the deceased employee after completion of due formalities as per Rules.

3. The respondents have taken the plea that the OA is barred by period of limitation under Section 21 of A.T. Act, 1985. However, since the respondents have themselves accepted in para 12 & 14 <sup>in of CA</sup> that the arrears of salary of the deceased employee are still lying <sup>in</sup> <sup>in</sup> unpaid with them, <sup>this plea of limitation is not acceptable.</sup>

4. We have heard the counsel for the respondents and perused the records.

5. We consider it appropriate to direct the respondents to address the applicant to appear before them for receiving

Contd...3.



the payment and take steps for the payment of the arrears of salary lying with them as per rules, within four months from the date of communication of this order.

6. With the above direction, the OA is disposed of at the admission stage itself. No order as to costs.

  
Member-J

  
Member-A

RKM/