

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad this the 03rd day of March, 2003.

Original Application No. 51 of 2002.

Hon'ble Maj. Gen. K.K. Srivastava, Member- A.
Hon'ble Mr. A.K. Bhatnagar, Member- J.

Smt. Sushila Devi W/o Late Shree Ram
R/o Naibasti, Lal Kuan, Distt. Nainital.

.....Applicant

Counsel for the applicant :- Sri Satish Dwivedi

V E R S U S

1. Union of India through the General Manager,
North Eastern Railway, Gorakhpur.
2. The Divisional Railway Manager (Personnel),
North Eastern Railway, Izatnagar.

.....Respondents

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

O R D E R (Oral)

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

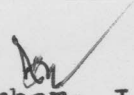
In this O.A. ^{filed} under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for direction to the respondents to pay arrears of salary of Late Shree Ram, husband of the applicant for the period from 15.05.1981 to August 1983 in accordance with the order dated 11.01.1993 of this Tribunal along with interest @ 18% per annum to the applicant till the date of actual payment thereof. The applicant has further prayed that the respondents be directed to correct the fixation of pay and retiral benefits of Late Shree Ram, husband of the applicant and also family pension and pay her arrears thereof with interest at the rate of 18% per annum till the date of actual payment thereof.

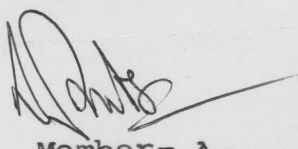
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2. The applicant's husband Late Shree Ram filed an application which was numbered as T.A 10/91. This TA was decided on 11.01.1993 in favour of the applicant's husband. It has been submitted by the counsel for the respondents and also accepted by the applicant's counsel that the husband of the applicant Late Shree Ram died on 05.04.1998. Learned counsel for the respondents further submitted that as Late Shree Ram, husband of the applicant even after the T.A No. 10/91 was allowed, did not take any action for compliance of the order dated 11.01.1993 till his death, ~~The~~ O.A is not legally maintainable as more than 5 years have already ~~passed~~ ^{elapsed} from the date of order of this Tribunal and the O.A is barred by limitation. Learned counsel for the applicant submitted that since the non-payment of salary and family pension accruing thereon ^{was} is recurring cause of action, the O.A is not barred by limitation as argued by the learned counsel for the respondents.

3. We have considered the submissions of counsel for the parties and in our view, once the T.A No. 10/91 was allowed it was incumbent upon Late Shree Ram to have got the issue settled during his life time which he did not. Let Shree Ram did not even file the contempt application in this regard and, therefore, we do not consider that there is any merit in this O.A. The husband of the applicant Late Shree Ram had enough time during his life time to have got the order of this Tribunal Dt. 11.01.1993 implemented which he did not.

4. In the facts and circumstances, we do not find any merit in the case. The O.A is accordingly dismissed with no order as to costs.


Member- J.


Member- A.

/Anand/