

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

**ALLAHABAD BENCH, ALLAHABAD.**

Allahabad this the 23rd day of January, 2002 *for*

Q U O R U M :- Hon'ble Mr. C.S. Chadha, Member- A.

Original Application No. 45 of 2002.

Gopi Dubari s/o Late Dubari Chauhan

R/o Vill. Dilshadpur, Post- ~~Sagari~~ <sup>On</sup> Bhadir, Taluk Sagari  
Distt. ~~Balisa~~ Azamgarh

.....Applicant

Counsel for the applicant :- Sri N. Srivastava

## VERSUS

1. The Union of India through the Secretary,  
M/o Surface Transport (Port Wing), New Delhi.
2. Deputy Docks Manager, (D.B.L), Ambedkar Bhawan,  
4th floor, North wing, Near Blue Gate,  
Indira Dock, Mumbai- 1.

..... Respondents

Counsel for the respondents :- sri Rajiv Sharma

## O R D E R (oral)

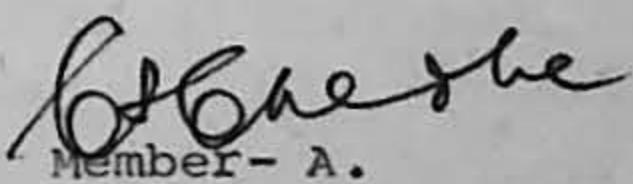
(By Hon'ble Mr. C.S. Chadha, Member - A.)

This O.A has been filed under section 19 of the  
Administrative Tribunals Act, 1985.

2. The case of the applicant is that he was an employee of the Port Trust at Mumbai and according to a scheme quoted by the concerned department, ■■■■■

ex-employees governed by the C.P.F scheme, who retired between 18.11.1960 to 30.12.1985 were supposed to be granted benefit of the scheme. He applied for the same in the application form meant for the purpose but nothing has been done so far by the department. Learned counsel for the respondents states that the case is highly time barred because the application was filed several years after retirement. I am not in agreement with the learned counsel for the respondents. In any case, the scheme was brought into force by the department much after the retirement and the applicant is entitled for the benefits under the scheme. Non payment of C.P.F/pension are a continued cause of action and such cases do not get time barred. Considering the facts and circumstances of the case, in my opinion, the ends of justice would be best served if the respondents are directed to decide the representation of the applicant with a speaking order. The OA is disposed of accordingly with the direction to respondents to consider and decide the representation of the applicant in accordance with rules on the subject within a period of three months from the date of communication of this order.

3. There will be no order as to costs.

  
Member- A.

/Anand/