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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1008 OF 2006

ALLAHABAD THIS THE 20TH DAY OF AUGUST 2007

HON'BLE MR. P. K. CHATTERJI, MEMBER-A

1. Jai Prakash Sharma
2. Satya Prakash Sharma,
both sons of late Sri Indrajeet Sharma,
R/o House No.D-144, Sector-9, New Vijai Nagar,
Ghaziabad.

. Applicants.

By Advocate : Shri A. K. Aditya

Versus

1. Union of India,
Ministry of Railways,
Through its Secretary, New Delhi.
2. Divisional Railway Manager,
Moradabad Division, N. R., Moradabad.
3. Account Officer F.A./ Chief Account
Officer/Pension, N.R. Baroda House,
New Delhi.

. Respondents/Opp. Parties.

By Advocate : Shri P. N. Rai

O R D E R

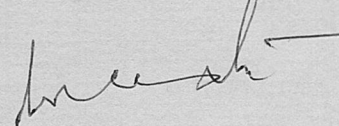
The dispute is regarding Payment of Arrears, Pension consequent upon revision of the pay scale on the recommendations of the 5th Pay Commission. The applicant's father who was a Railway employee retired from service in 1976. He was drawing pension on regular basis. Although the revised pay scale on the basis of 5th Pay Commission come into effect on 01.01.1996 and the pension of the deceased employee was supposed to be revised on the basis of the recommendations, it was not done and, therefore, the

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applicant's father kept making representations to the respondents for granting him the arrear/pension. However, it was not granted by the respondents till his death in the year 2000.

2. Thereafter, the matter was taken up by the two sons of the deceased employee who ~~were~~^{are} the applicants in this OA. It is stated in the OA that on 19.01.2003 Form No.15 (A) was sent to the applicants for filling it up the requisite information towards payment of the arrears. The applicant submitted the forms after duly filling it up, still no action has been taken by the respondents towards payment of arrears. The applicant's father on 13.08.2005 made a representation before the Divisional Railway Manager, Moradabad for deciding long pending matter of payment of arrears/pension in respect of the deceased father, even though the respondents have not decided the representations so far.

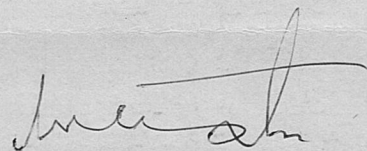
3. The learned counsel for the applicant says that the applicants will be satisfied if the Tribunal could help him in keeping the representation decided by the competent authority as per rules. On being asked as to why his applications should not be barred by limitation he pointed out that according to the Judgment of Hon'ble Supreme Court pension matter cases have a recurring cause of action and, therefore, the provisions regarding limitation should not come in the way.



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4. I am of the view, that the representations of the applicant deserves to be considered by the respondents without further loss of time. With this view, I direct respondent no.2 to consider the representation of the applicants dated 31.08.2005 (Annexure-4) to decide the matter as admissible under the rules and communicate the decision of the applicant through a reasoned and speaking order. It may be done within a period of four months from the date of receipt of a copy of the order.

5. With these directions this OA is disposed of. No Costs.



Member-A

/ns/