

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD**

ORIGINAL APPLICATION NO.336 of 2006

Allahabad, this the 4th day of March, 2008

Hon'ble Mr. Justice Khem Karan, V.C.

Abhaya Singh, aged about 40 years,
Son of Shri K.N. Singh,
R/o 259/9, Azadganj
Ram Mandir Compound,
Sipri Bazar, Jhansi (U.P.)

...Applicant.

(By Advocate : Shri M.P. Gupta
Shri S.K. Mishra

Versus


1. The Union of India, through the General Manager, North Central Railway, Allahabad.
2. The General Manager, Central Organization Railway Electrification, Allahabad.

...Respondents.

(By Advocate : Shri D.P. Singh)

ORDER

The applicant has prayed for the following reliefs :-

- (a) That the respondents be directed to make the payment to the applicant of all the terminal benefits mentioned in para 4 (7) of the application within a specified time frame.
 - (b) That the respondents may be further directed to pay to the applicant monthly pension w.e.f. 28.6.1997 alongwith arrears.
 - (c) That the respondents may be further directed to pay to the applicant interest on the amount illegally withheld by them from the applicant as the rate to be decided by the Hon'ble Tribunal.
 - (d) Any other relief to which the applicant is legally found to be entitled be paid to him.
 - (e) That the costs of this application be awarded to the applicant against the respondents.
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2. His case in brief is that he joined as Technical Mate in Railway Electrification under the respondents in 1987 and continued working till 27.5.1997. He states that he was selected for appointment as Deputy Manager in Indian Reserve Bank, so he tendered his resignation from the post of Technical Mate, which the respondents accepted w.e.f. 27.5.1997. He goes on to state that under the Rules, he is entitled to payment of Provident Fund, Gratuity, Amount of C.G.I.S., Leave encashment, arrears of Dearness Allowance, differential pay, Payment of Bonus for the year 1996-1997 as mentioned in Para-7 of the OA, but inspite of various representations given to the respondents, the same have not been released so far. The respondents have filed reply saying that the OA is time barred and the applicant has no good claim for the said amount.

3. In regard to the plea that the OA is time barred, learned counsel for the applicant contends non payment of amount of the General Provident Fund etc. is a continuing wrong and so the question of limitation should not come in the way of the applicant in maintaining this OA. I find sufficient force in this submission of learned counsel for the applicant. So, the plea of the respondents that the OA is barred by law of limitation, is rejected.

4. Turning to the merits of the case, learned counsel for the applicant has submitted that the respondents may be asked to pass a reasoned and speaking order on the representation dated 13.10.2005 (Annexure-5). I think Shri Mishra is right, as the respondents have not passed any order rejecting or accepting the claim of the applicant.

/s/

(13)

So they may be asked to consider and dispose of that representation as mentioned above.

5. The OA is finally disposed of with a direction to respondent No.2 to consider and dispose of the applicant's representation dated 13.10.2005 (Annexure-5) in accordance with the relevant rules by a reasoned and speaking order, within a period of three months from the date a certified copy of this order together with the copy of the said representation is produced before him. No costs.

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04/3/08

Vice-Chairman

RKM/