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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHAAD BENCH : ALLAHABAD

ORIGINAL PPLICATION NO.154 OF 2007

TUESDAY, THIS THE 20<sup>TH</sup> DAY OF FEBRUARY, 2007

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

Bhagwandass Son of Late Sri Govindram,  
Aged about 68 yrs, resident of 55, Pratap-pura,  
Jhansi U.P.

.....Applicant

By Advocate : Sri S. N. Khare

Versus

1. Union of India,  
through the General Manager,  
North Central Railway,  
Allahabad.

2. Divisional Railway Manager (Personnel),  
North Central Railway,  
Jhansi.

..... Respondents

By Advocate : .....

O R D E R

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

In this OA the applicant has impugned the order of the respondents dated 10.11.2006 (Annexure A-2) wherein the respondents have rejected the representation of the applicant for grant of special pay as Senior Clerk on the ground that his request was time barred. The applicant says that as Senior Clerk in the office of Divisional Railway Manager (Personnel), North Central Railway, Jhansi, he was eligible for grant of special pay of Rs.35/- in accordance with the circular of respondents No.P/328/2/SCP/Spl. Pay/ EO dated 31.10.1991. The applicant has further stated that he made constant representation to the respondents for granting him special pay to which he was eligible according to the

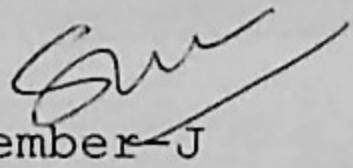
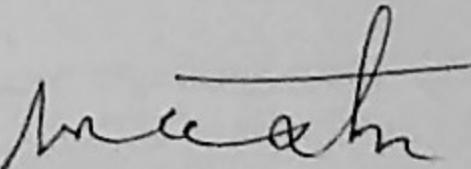
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above circular. However, the respondents did not take any decision in the matter and recently i.e. in November 2006, they have rejected the claim of the applicant as being time barred.

2. The applicant has also brought to our notice the letter of the respondents dated 22.07.2005 in which it was stated that his claim was not admissible as per his seniority position. However, when he challenged it after justifying his claim according to the seniority list issued by the respondents, finding no other way, they decided to turn down his claim as time barred. However, the claim of the applicant is that the respondent no.2 should examine the claim strictly as per rules and on the basis of seniority of the applicant as per seniority list. The seniority list was published by the respondents themselves.

3. With the above noted considerations, we hereby direct the respondent no.2 i.e. Divisional Railway Manager (Personnel), North Central Railway, Jhansi to decide the case of the applicant on the basis of relevant rules without taking any plea of limitation and take just and proper decision as admissible under the rules. The decision should be communicated to the applicant through a reasoned order to be issued within a period of three months from the date of receipt of a copy of this order. No Costs.

  
Member-J  
Member-A

/ns/