

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 667 OF 1993.
TAX No.

DATE OF DECISION 24-11-1993

Shri Manubhai J. Jani, Petitioner

Mr. K.A. Dave, Advocate for the Petitioner(s)

Versus

Divisional Railway Manager(E) Respondents
& Ors.

Mr. R.M. Vin, Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C.Bhatt, Judicial Member.

The Hon'ble Mr. M.R. Kolhatkar, Admn. Member.

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?

Shri Manubhai J. Jani,
Mama Kotha Road,
Danapith,
Amarsinh's Dehla,
Bhavnagar.

..... Applicant.

(Advocate: Mr. K.A. Dave)

Versus.

1. Divisional Railway Manager(E),
Western Railway,
Bhavnagar Para,
Bhavnagar.

2. Chief Commercial Supdt.,
Western Railway,
Churchgate, Bombay.

3. General Manager,
Western Railway,
Churchgate, Bombay.

..... Respondents.

(Advocate: Mr. R.M. Vin)

ORAL ORDER

O.A.No. 667 OF 1993

Date: 24-11-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. K.A. Dave, learned advocate for the applicant and Mr. R.M. Vin for the respondents waives notice and filed appearance.

2. This application under section 19 of the Administrative Tribunals Act, 1985, is filed by a retired employee of the Western Railway seeking the relief as under:

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..... 3/-

"VII. Relief sought for:

In the facts and circumstances pointed out hereinabove, the applicant prays that your honour may be pleased to -

(a) Direct the Respondent to decide his representation, dated 9th July, 1990 on merits in respect of various amounts payable to him as claimed in the said representation.

(b) To declare that the applicant is entitled to claim salary and allowances payable to him from 25th February, 1987 to 31st July, 1987 and other amounts as claimed in the representation along with interest thereon.

(c) To pass such other and further appropriate order as this Hon'ble Court may please~~s~~ deem fit and proper in the interest of justice."

3. The applicant in para 6 of the application has averred that this application is filed for seeking necessary direction against the respondent to decide the applicant's various representations more particularly his representation dated 9th July, 1990 in respect of various amount payable to him and to make payment accordingly. It is alleged by him that at the relevant time he was working as Chief Booking Clerk at Sihor Junction, District Bhavnagar that a departmental enquiry was held against him for misappropriation of the amount of Rs. 24/- when he was working as Chief Booking Clerk at Sihor and he was awarded punishment of removal by the order of Divisional Railway Manager

207

dated 25th February, 1987 vide Annexure A-1. The applicant being aggrieved and dis-satisfied by the said order Annexure A-1 preferred appeal to the Chief Commercial Superintendent, Bombay on 5th April, 1987 vide Annexure A-2, which was partly allowed and the punishment of removal was reduced to punishment of a censure. The applicant has produced the copy of the said order dated 26th August, 1987 at Annexure A-3,

M this appeal was decided after his superannuation dated 31st July, 1987. It is the case of the applicant that wherever punishment of censure is awarded by the authority, salary and allowances are paid as a matter of course to the concerned employee and he has put reliance on the instructions in circular letter dated 24th April, 1986. He therefore, wrote a letter dated 4th March, 1988 to the respondent No.2 requesting him ~~re pay~~ to make all salary, allowances from the date of removal till the date of superannuation i.e., 25th February, 1987 to 31st July, 1987. The applicant has produced the copy of the said letter at Annexure A-4. He again addressed another letter dated 8th May, 1989 to respondent No.3 vide Annexure A-5 and often visited the office. Thereafter, having received no reply, he addressed a detailed representation dated 9th July, 1990

to respondent No. 1 & 2 by Registered Post vide Ann.

A-6, but no response is given by the respondents.

4. It is settled law that repeated representation does not save limitation, but in the instant case, the question is about the claim of the salary and allowance of a retired employee for the period from 25th February, 1987 to 31st July, 1987 and hence the question of limitation will not arise.

5. Having heard the learned advocates of parties, this matter, in our opinion, can be disposed of at the admission stage by directing the respondent No.1 to decide the applicant's representation dated 9th July, 1990 vide Annexure A-6 according to rules. Hence we pass the following order:

O R D E R

The application is allowed partly and the respondent No.1 is directed to decide the representation of the applicant dated 9th July, 1990 vide Annexure A-6 according to rules within four months of the receipt of the order of this Tribunal and should give the intimation of the decision taken by him to the applicant. The applicant may also in order

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- 6 -

to avoid delay sent the copy of the representation Annexure A-6, which according to him, he has sent to respondent No.1 on 9th July, 1990 by Registered Post. Application is disposed of accordingly with no order as to costs.

M.R.Kolhatkar
(M.R. Kolhatkar)

Member (A)

R.C.Bhatt
(R.C.Bhatt)

Member (J)

vtc.