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O.A. No. 895 of 2006

Order dated: 22.07.2008

CORAM:

Hon'ble Mr. Justice K. Thankappan, Member(J)

Hon'ble Mr. C.R. Mohapatra, Member (A)

It is an application for a direction to the Respondents to allow family planning increment as per some notification issued by the Railway Board during 1983. Now, the applicant claims that his wife underwent Tubectomy operation during 1983. To substantiate his claim, the applicant relies on two certificates issued by the hospital authorities as produced at Annexure-2. The applicant also relies on the representation made by him on 30.11.2005. It is the case of the applicant that as some of the officers of the Railways had given information to him that the family planning increment is stopped but it may be allowed later. So, he waited up to 2005 though the operation was alleged to have been taken during 1983.


After going through the averments and the documents now produced before this Tribunal and on hearing the counsel appearing for the Respondents Mr. S.K. Ojha on notice, we are of the view that the applicant has not placed any material to have any direction to the Respondents for issuing any family planning increment. The applicant has also not produced any material to show that his claim is based on any notification or order or whatever instruction made by the Railway Board. Apart from that, we have seen that though his wife ~~had~~ underwent operation

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during 1983, the applicant already retired from service in 2005 and thereafter he wants the benefits, whatever available to him as per deemed provision.

With the above circumstances, we are of the view that this is a matter where the applicant slept over the claim, if any. If so, the matter is belated and it is on that ground alone, O.A. has to be dismissed and considering other circumstances, we have already seen. This O.A. stands dismissed as meritless without any order as to costs.

We have also noted that though the O.A. was filed during 2006, the matter is posted for admission only today. That ground is also a reason for rejecting the claim.


MEMBER (A)


MEMBER (J)