

12

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

O.A No. 308 of 2007

Cuttack, this the ~~23rd~~ day of December, 2010

Egati Endu.... Applicant

Vs

UOI & Ors. .... Respondents

CORAM:

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

A N D

THE HON'BLE MR.A.K.PATNAIK, MEMBER (J)

.....

The case of the applicant is that while he was serving as a Keyman under the Respondents, on 19.7.1982 he was directed to report before the Special Medical Board for medical examination. On examination he was declared unfit for B-1 category on account of squint eye and as such was kept out of employment w.e.f. 19.7.1982 and finally he having been declared fit in B-1 category he was allowed to résumé his duty on 5.7.1984. He retired from service on attaining the age of superannuation on 31.5.1992. Hence by filing this OA on 11.05.2007 he seeks direction to the Respondents to release his salary for the period he was kept out of duty i.e. from 19.7.1982 to 5.7.1984 which was illegally withheld by the Respondents.

2. By placing on record a copy of the office order dated 12.7.1985 as at Annexure-R/1, Respondents, apart from taking

A

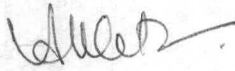
13


the plea of limitation, on merits have stated that the applicant is not entitled to the relief claimed in this OA. It is case of the Respondents that the applicant while working as Keyman was sent for medical examination. He was adjudged unfit for B-1 and fit for C-1 medical category vide order dated 18.8.82. He became medically fit for B-1 on medical reexamination conducted in the year 1984 vide letter dated 31.5.1984 and posted as Keyman vide order dated 27.6.1984. Thereafter the applicant's pay was fixed on proforma basis vide order dated 12.7.1985 with an indication that no differential pay is payable to the applicant for the period from 1.8.1982 to 5.7.1984 since the applicant was in lower medical category. After medical de-categorization from B1 to C1 on 18.8.82 the applicant appealed to MS/WAT on 30.4.83 for further medical examination. Thereafter on re-medical examination the applicant was finally declared fit to perform duty w.e.f. 31.5.1984 but the applicant was on extra ordinary leave upto 5.7.1984. Due to lapse of considerable time, records of the applicant have been destroyed. This is one of the grounds taken by the Respondents in their counter. On the above grounds the Respondents have prayed for dismissal of this OA.

L

14

3. Heard. Perused the materials placed on record. According to the Applicant he retired from service on attaining the age of retirement on 31.5.1992 and filed this OA on 11.5.2007 which is after 15 years of his retirement that too seeking release of his dues pertaining to the period from 19.7.1982 to 5.7.1984 in other words for the cause of action occurred 26 years before filing of this OA. Further the applicant has availed of extra\$ ordinary leave for the relevant period. This cannot be reopened after such a belated stage. After going through the materials placed by both sides in support of their respective pleadings, we do not find any justifiable ground to come to the conclusion that the contention raised by the Applicant has any leg to stand. This OA is accordingly dismissed being devoid of any merit. No costs.

  
(A.K.PATNAIK)  
MEMBER (JUDL.)

  
(C.R.MOHAPATRA)  
MEMBER (ADMN.)