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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**Original Application No. 20/2004 &
Misc. Application No. 14/2004**

Date of Decision: 14.09.2004

CORAM

**HON'BLE MR.J.K. KAUSHIK, JUDICIAL MEMBER
HON'BLE MR. G.R. PATWARDHAN, ADM. MEMBER**

Jeevan s/o Shri Mangla, aged 63 years, Retired Cabin-man,
Bikaner Station R/o. Near Mahadevi Temple, Railway Station,
Sudsar, P.O. Sudsar-331811, Distt. Bikaner (Raj.)

.....Applicant.

[Mr. Y.K. Sharma, Counsel for the applicant.]

Versus

Union of India through-



1. General Manager, North-West Railway, Jaipur.
2. Chief Medical Director, Northern-Railway, Baroda House, New Delhi.
3. Divl.: Personnel Officer, North-West Railway, Bikaner, Bikaner Division, Bikaner.
4. Chief Medical Supdt., North-West Railway, Lalgargh, Bikaner.
5. Sr. Divl. Medical Supdt.; North-West, Railway, Lalgargh, Bikaner.
6. Station Supdt., North-West Railway, Bikaner.

.....Respondents

[Mr. Manoj Bhandari, Counsel for the respondents.]

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ORDER**Per HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER:**

Shri Jeewan has filed this Original Application with the following main prayers:-

1. That this Hon'ble Tribunal may kindly be pleased to quash and set-aside the impugned orders filed vide Annexure A/1.
2. That this Hon'ble tribunal may further be pleased to direct the respondents to pay the applicant his wages for the period from 05.11.1996 with interest @ 12% P.A.
3. That any other orders/relief/directions may kindly be passed/granted which this Hon'ble Tribunal deems fit, proper and just in favour of the applicant.

2. The Original Application was listed for admission today. Keeping in view involvement of the short controversy as well as the urgency of the matter, the case was heard for final disposal with the consent of the learned counsel for the parties. We have carefully considered the pleadings and records of this case. Both the learned counsel of the parties have reiterated the pleadings and made us traverse through the communications and documents which formed the part of the records. The learned counsel for the respondents has emphasised on the preliminary objection regarding the maintainability of this Original Application. The learned counsel for the applicant has submitted that an application for the condonation of delay has been filed in this matter and there are good and sufficient reasons for condoning the delay and this Bench of the Tribunal by applying the judicious approach may consider the merits of the case. On the other hand the learned counsel for the respondents



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submitted that the O.A is hopelessly barred by time and the same deserves to be dismissed.

3. We have considered the submissions made on the preliminary objection regarding maintainability of the O.A. We find from the records that earlier, the counsel for the applicant has issued a notice for the demand of justice only on 21/3/04 whereas the impugned order is dated 29/6/1999. Even in the said notice for the demand of justice there was a prayer only for making the payment of salary for the period from 05.11.1996 to 29.6.1999 and order of the retirement at Annexure A/1 was not objected to. Subsequently the learned counsel for the applicant has also submitted that the matter regarding the wages gives rise to the recurring cause of action and thereby the law of limitation could not obstruct the relief prayed for in the Original Application. We find that the period of the claim regarding the salary of the applicant is for the period from 05/11/96 to 29/6/99 and even if we were to accede the prayer of the applicant keeping in view the law of limitation and taking into consideration the law relating to the payment of arrears of wages as laid down in Article 104 of the Limitation Act and also in view of the law laid down by the Apex Court in case of **M.R Gupta versus Union of India** ;AIR 1996 SC 669, the Tribunal could grant relief only upto a period of three years prior to date of filing the Original Application and in that case the applicant could get the benefit only upto a period from 19.1.01; since the Original Application has been filed on 19.1.04 and in this view of



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the matter the claim of arrears of wages is concerned, practically, applicant would get nothing. As regards the challenge of the Annexure A/1 is concerned the rule of recurring cause of action does not apply to it and the law of limitation hits the same and on that point the O.A. cannot be entertained.



4. In view of this matter there is hardly any need to examine and adjudicate this case on merits. We are, therefore, refraining from examining the merits of the same. In the result the Original Application as well as Misc. Application stands dismissed accordingly. No costs.

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(G.R. Patwardhan)
Adm. Member

J.K. Kaushik
(J.K. Kaushik)
Judl. Member

Lalit

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copy Received

Sushil
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on behalf of

manoj bhanderi