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CENTRAL ADMINISTRATIVE TRIBUNAL JODHPUR BENCH, JODHPUR

Original Application No. 85/Jodhpur/2011.

Date of decision: 13.09.2012

CORAM :

HON'BLE MR. G. GEORGE PARACKEN JUDICIAL MEMBER
HON'BLE Mr. B.K.SINHA, ADMINISTRATIVE MEMBER

Thana Ram S/o Late Shri Badri Ram aged about 35 years, by caste Meghwal, resident of Ambedkar Nagar, Ward No. 16, Ratangarh, Churu, applicant's father was working on the post of Gangman at Bikaner Division, North Western Railway.

..... Applicant.

[By Mr. Sukhesh Bhati, Advocate]

Versus

1. Union of India through the General Manager, North Western Railway, Jaipur (Raj).
2. The Divisional Railway Manager, North Western Railway, Bikaner Division, Bikaner.
3. The Divisional Personnel Officer, North Western Railway, Bikaner Division, Bikaner.
4. The Divisional Commercial Manager, North Western Railway, Bikaner Division, Bikaner.

..... Respondents

[By Mr. K.K.Vyas, Advocate]

ORDER (Oral)

[PER HON'BLE MR. G. GEORGE PARACKEN]

Applicant, Shri Thana Ram claims himself to be the adopted son of Late Shri Badri Ram who died while serving as a Gangman in North Western Railway, Bikaner Division, Bikaner on 28.12.1994. He has sought the following reliefs in this O.A.

A- *"The respondents may kindly be directed to immediately appoint the humble applicant on any post available with the respondent-department.*

B- *In alternative the respondents may kindly be directed to consider the applicant's case whenever the vacancies are available and provide him atleast three opportunities.*

C- *In alternative the respondents may be directed to decide the representation of the applicant within one month.*

D- *The respondents may be directed to grant 18% interest upon the amount of Rs. 65,527/- from the year 1995 to 2010."*

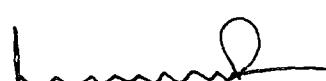
2. The respondents have filed their reply. They have raised the preliminary objection that the applicant is seeking multiple reliefs in this OA which is not permissible under the Central Administrative Tribunal (Procedure) Rules, 1987. They have also stated that the applicant's case is hopelessly time barred as the cause of action has arisen in this case way back on 28th December, 1994 with the death of Shri Badri Ram.

3. During the course of the arguments, learned counsel for the applicant himself has abandoned the prayers at A,B and C above. Now, the only surviving relief is the interest on Rs. 65,527/- for the period from 1995 to 2010.

4. The respondents have submitted that the applicant is not entitled for any interest as claimed by him because he could be paid the aforesaid amount only after he has produced the Annex. A/4 succession certificate from the competent court on 28th May, 2010.

5. We have heard the learned counsel for the applicant Mr. Sukhesh Bhati and the learned counsel for the respondents Mr. K.K.Vyas. In our considered view, the delay in payment of Rs. 65,527/- to the applicant is not because of the fault of respondents' but it is purely due to the applicant's inability to submit the relevant documents on time. Therefore, we do not find any merit in this case and accordingly this the O.A. is dismissed. There shall be no order as to costs.


(B.K.Sinha)
Administrative Member


(G. George Paracken)
Judicial Member

Jrm