

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

O.A. No.1235 of 1997

Present: Hon'ble Dr. B.C. Sarma, Administrative Member
Hon'ble Mr. D. Purakayastha, Judicial Member

ANIMA DEURI

VS

1. Union of India, through
The Secretary,
Ministry of Railway,
Rail Bhavan
New Delhi

2. The General Manager,
South Eastern Railway,
Garden Reach
Calcutta-700 043

3. The Chief Personnel Manager,
South Eastern Railway,
Kharagpur
Midnapore

4. The Welfare Personnel Officer,
South Eastern Railway,
Kharagpur
Midnapore

... Respondents

For the Applicant : Mr. R.K. Chandra, counsel

For the Respondents: Mrs. B. Ray, counsel

Heard on 11.12.1997

: :

Date of order: 11.12.1997

- O R D E R

B.C. Sarma, AM

In this application one Smt. Anima Deuri has prayed for issue of a direction on the respondents to grant retirement benefits, provident fund, gratuity arrears due and other benefits as she is entitled to. She contends that her husband had died some time in 1961 and he was working in the Marine Workshop from 12.5.48. She did not get any retirement benefits accruing on the service rendered by her deceased husband.

2. When the matter was taken up for admission hearing today, Mrs. Ray, learned counsel appearing for the respondents objects to the admission of the application on the ground that the husband of the applicant had died in 1961 and, therefore, it is a stale claim.



Contd...2/-

3. We have heard the submissions of the learned counsel of both the parties and perused the records. On a query raised by the Bench why there has been inordinate delay in this case for coming to this Tribunal or the appropriate forum, the learned counsel for the applicant replies that the applicant filed six representations and that is why the delay has occurred. It is the settled law that repeated representations cannot take care of limitation. We have been given to understand that the applicant's husband had died on 16.3.61. Therefore, the cause of action has arisen at a time when this Tribunal does not have any jurisdiction. The applicant did not approach any judicial forum ^{at that time.} In the meantime as long as 36 years have elapsed. If the petitioner can live for 36 years without any pension or gratuity, she can remain so now. Therefore, we are of the view that this application does not have any merit. The applicant has submitted a stale claim which is hopelessly barred by limitation and this Tribunal cannot have any jurisdiction to ^{adjudicate} ~~try~~ this case. Therefore, it is dismissed at the stage of admission itself without passing any order as to costs.



(D. Purkayastha)

MEMBER (J)

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11.12.1997



(B. C. Sarma)

MEMBER (A)

11.12.1997