

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A.510 of 1997

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

Urmila Malhotra W/o Sh.R.P.
Malhotra, resident of Ankur,
3-D, 10 Lord Sinha Road,
Calcutta-17. Last employed
as Hindi Pradhyapak under
Deputy Director (ER), Hindi
Teaching Scheme, Nizam
Palace, Calcutta-700 020
upto 7.3.1982 and finally
retired as Hindi Officer,
NJMC on 31.10.1991.

... Applicant
Vs.

1. Union of India through the Secretary,
Govt. of India, Department of
Official Language, Leknayak Bhawan,
Khan Market, New Delhi-110 003.
2. Administrative Officer, Central Hindi
Training Institute, Department of
Official Language, Paryabharan Bhawan,
CGO Complex, Lodhi Road, New Delhi-110003.
3. Deputy Director (ER),
Hindi Teaching Scheme,
Department of Official Language,
Nizam Palace,
Calcutta-700 020.

... Respondents

For the applicant : Mr.R.K.Chakraborty Thakur, counsel.
Mr.K.Sarkar, counsel.

For the respondents: Mr.M.S.Banerjee, counsel.

Heard on : 23.3.1998

Order on : 23.3.1998

ORDER

B.C.Sarma, A.M.

The facts briefly stated in this application are as follows -

The applicant was earlier under the Government and she was absorbed in a public sector undertaking, namely, National Jute Manufacturing Corporation Ltd., Calcutta. A Government servant



on such absorption is given two options (i) receiving the pre-rata monthly pension and Death-cum-Retirement Gratuity, or (b) receiving the pre-rata gratuity and lump-sum amount in lieu of pension. The applicant had earlier opted for the latter i.e. receiving the pre-rata gratuity and lump-sum-amount in lieu of pension, which was sanctioned to her by a letter dated 7th November, 1985. The applicant thereafter filed a representation dated 24.4.1996 to change the option from receiving the pre-rata gratuity and lump-sum-amount in lieu of pension to receiving the pre-rata monthly pension and death-cum-retirement gratuity. That representation was duly considered by the authorities and by the letter dated 22.5.1996, as set out in annexure 'A/13' to the application, her prayer was dismissed. It is against that letter the present application has been filed.

2. We have heard the submission of 1d.counsel for both the parties and perused the record including the reply filed by the respondents.

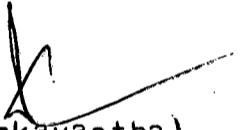
3. We note that the applicant had earlier opted for receiving the pre-rata monthly pension and death-cum-retirement gratuity but it was she who had changed the option from that to receiving the pre-rata gratuity and lump-sum amount in lieu of pension, which was allowed by the authorities. The applicant has now come after a lapse of 12 years to revert to the former position i.e. receiving the pre-rata monthly pension and death-cum-retirement gratuity. After considering the facts of the case we get the impression that the applicant cannot decide and finally make up her mind as to which one of the two options she would like to take. Whatever may be, we note that this application was filed only on 8.5.1997 when she had already received the pre-rata gratuity and lump-sum amount in lieu of pension as early as in 1985. It is also to be noted that the applicant filed her first representation only in 1996. Mr.Chakraborty Thakur, 1d.counsel for the applicant, argues that since

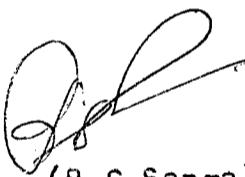


the applicant has come against the letter dated 22.5.1996, the application is not barred by limitation. We would like to observe that cause of action is ~~not just for~~ ^{not just for} a bundle of facts but one letter passed by the authorities. In this case the cause of action arose in 1985. There is no explanation from the applicant as to why she is inordinately late in coming to this Hon'ble Tribunal in filing this application. The Hon'ble Apex Court in the case of Baliram Prasad vs. UOI & Ors. (1997 (2) SCC 292) observed that sufficient cause for not making the application within the statutory period has to be explained beyond limitation. In this case, there is no application whatsoever for condonation of delay and there is no explanation explaining such delay at all. This being the position, we have no hesitation to hold that this application contains a stale claim and is barred by limitation.

4. In view of the above reason, we find no merit in this application. ^{order} We note that the application is barred by limitation. The application is summarily dismissed.

5. No order is passed as to costs.


(D. Purkayastha)
Judicial Member


(B.C. Sarma)
Administrative Member