

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.453/2004

Monday, this the 21st day of June, 2004.

C O R A M

HON'BLE MR. K.V.SACHIDANANDAN, JUDICIAL MEMBER

K.M. Baby,
Komathukattil,
Nandikara P.O.,
Thrissur -
Ex-Electric Signal Maintainer Grade 'A',
Signal & Telecommunication Department,
South Central Railway.

..Applicant

[By Advocate Mr. Mathew Sebastian]

Versus

1. Senior DPO,
South Central Railway,
Guntakkal Division,
Gundakkal.
2. Senior DSTE/GTL,
South Central Railway,
Gundakkal.

..Respondents

[By Advocate Mr. Sunil Jose, ACGSC]

(The application having been heard on 21.6.2004, this
Tribunal on the same day delivered the following)

O R D E R
HON'BLE MR. K.V. SACHIDANANDAN, JUDICIAL MEMBER

The applicant worked as Electric Signal Maintainer Grade 'A' in Gundakkal Division of South Central Railway during the year 1969 to 1979. According to the applicant, he entered into service with effect from 6.2.1969 and continued to work till 1979. It is contended in the O.A. that the applicant has not been paid the salary dues, provident fund and other benefits even after repeated requests by way of representations for the last so many years. Since nothing has been heard from the respondents,



he again submitted A4 representation dated 17.4.2000 followed by A5 reminder dated 9.4.2003 sent through the lawyer. Aggrieved by the inaction on the part of the respondents, the applicant has filed this O.A. seeking the following main reliefs:

"(i) Direct the respondents to disburse the salary dues, provident fund dues and other benefits to the applicant forthwith.

(ii) Declare that the applicant is entitled for pension as he has completed 10 years of service with the respondents.

(iii) Direct the respondents to disburse the pension arrears from 1979 onwards and also the pension in the future years."

2. Mr. Mathew Sebastian, learned counsel appeared for the applicant and Mr. Sunil Jose, ACGSC, appeared for the respondents.

3. When the matter came up for hearing, learned counsel for the applicant submitted that the cause of action is a continuing one for non-disbursement of salary arrears, provident fund due etc. and, therefore, the question of limitation does not arise. In this connection, he also cited a case reported in 1995 (5) Scale 29 (SC), M.R Gupta vs. Union of India. The learned counsel for the applicant further submitted that he will be satisfied if a limited direction is issued to the first respondent to consider his representation and pass appropriate order within a time frame. Learned counsel for the respondents submitted that he has no objection to adopt such a course of action.

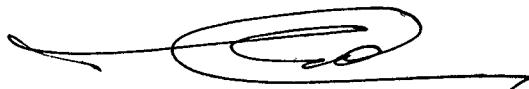
4. In the facts and circumstances of the case, this Court is also of the view that such a direction will meet the ends of

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justice. Therefore, this Court directs the first respondent to consider the A/4 and A/5 representations or any other representation, if any, that the applicant wants to make in this matter and dispose of the same within a period of three months from the date of receipt of such additional representations. The applicant is directed to send copies of A/4 and A/5 representations and any other comprehensive representation which the applicant wants to make forthwith. A copy of this order may also be sent alongwith the representations to the first respondent to avoid any delay in taking a decision. The delay in the matter, if any, stands condoned.

5. The Original Application is disposed of as indicated above with no order as to costs.

(Dated, the 21st June, 2004)



K.V. SACHIDANANDAN
JUDICIAL MEMBER

cvr.