

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA 146/2000

Thursday the 10th day of February, 2000.

CORAM

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER
HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

K.R.Karunakaran Nair
S/o Late Shri K.N.Raman Nair
Retired Upper Division Clerk
Office of the Assistant Commissioner
of Income Tax, Circle I, Kottayam
residing at Sasi Bhavan,
Choondacherry, Narrianganam P.O.
(via) Plassanal, Kottayam.

..Applicant

(By advocate Mr M.R.Gopalakrishnan Nair)

Versus

1. Union of India represented by
The Secretary
Ministry of Finance
New Delhi.
2. The Chief Commissioner of Income Tax
2nd Floor, Central Revenue Building
I.S.Press Road, Cochin.
3. The Asstt. Commissioner of Income Tax
Circle I, Kottayam. ..Respondents

(By advocate Ms Chitra Sunil)

The application having been heard on 10th February, 2000, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR A.M.SIVADAS, JUDICIAL MEMBER

Applicant seeks to quash A7 and A9, to declare that he is entitled to get the Death-cum-Retirement Gratuity recomputed at the enhanced rate in terms of A2 order and to direct the respondents to compute the arrears of Death-cum-Retirement Gratuity calculated at the enhanced rate as per A2 and pay the balance amount to him with 18% interest.

2. The applicant retired on superannuation on the afternoon of 31-3-1995. He claims benefits on the basis of A2 OM dated 14th July 1995. A-2 says that it will apply to those who retire or die on or after 1-4-1995. He submitted hat representation dated 1-3-96 to the third respondent. This representation was rejected as per A7. Subsequently he submitted A8 representation to the second respondent for the very same reliefs prayed as per A6 representation quoting the ruling of the Central Administrative Tribunal, Mumbai Bench camping at Nagpur in OA Nos 459 and 460 of 1997. That was turned down as per A9.

3. A7 is dated 21.11.96. This OA was filed only on 9th February, 2000. So it is beyond the period of time permitted as per the Administrative Tribunals Act.

4. A9 which is relied on by the applicant is dated 7-1-2000. A9 is admittedly the result of successive representations submitted by the applicant. It is well settled that successive representations cannot save limitation.

5. A10 is a copy of the order of Mumbai Bench of this Tribunal sitting at Nagpur in OA Nos 459 and 460 of 1997. The mere fact that the applicant has filed an application immediately after coming to know that in similar cases the reliefs had been granted by the Tribunal cannot help the applicant in any way to save limitation.

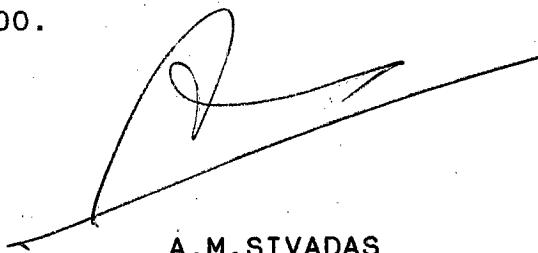


6. This OA is apparently barred by limitation. Accordingly we do not find any ground to admit the OA and the same is dismissed.

Dated 10th February, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.M. SIVADAS
JUDICIAL MEMBER

aa.

Annexures referred to in this order:

A7: True copy of letter No.CR 65/96-97/KTM dated 21.11.96 issued by Asstt.Commissioner of Income Tax, Circle I Kottayam.

A9: True copy of letter No.CC/199/Gr.Pen/K.R.K.N/99-2000 dated 7.1.2000 issued by Chief Commissioner of Income Tax Kochi.

A2: True copy of OM No.7/1/95-P&PW(F) dated 14.7.95 issued by Deputy Secretary to Govt of India, Ministry of Personnel, Public Grievances & Pensions, New Delhi.

A6: True copy of representation dated 1.3.96.

A8: True copy of representation dated 8.12.99.

A10: True copy of order dated 15th Oct.99 in OAs 459/97 and 460/97 of the CAT, Mumbai Bench.