

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO.387/1997

Tuesday this the 29th day of July, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

N.Radhakrishnan,
Carriage & Wagon Fitter Grade III,
Carriage & Wagon Superintendent's Office,
Mettur Dam, Southern Railway,
Palakkad Division. .. Applicant

(By Advocate Mr. T.A.Rajan)

Vs.

1. Union of India represented by the
the General Manager, Southern Railway,
Madras.

2. The Chief Personnel Officer,
Southern Railway, Madras.

3. The Divisional Personnel Officer,
Southern Railway, Thiruvananthapuram. .. Respondents

(By Advocate Ms.Mary Nirmala for Sh.Thomas Mathew
Nellimootil)

The application having been heard on 29.7.1997, the Tribunal
on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Being successful in a selection by the Railway
Recruitment Board for appointment to the post of Carriage &
Wagon Fitter Grade III, the applicant was appointed by order
dated 15.11.89 as Apprentice Carriage and Wagon Fitter .
While he was undergoing the training on a monthly stipend of
Rs.900/- by order dated 18/23-7-90 (A2) the applicant and
some others who had higher qualification were appointed
straightaway as Carriage and Wagon Fitter Grader III without
any requirement of undergoing the training retrospectively
with effect from 16.11.89. On 25.2.91 a letter was issued by

the Divisional Personnel Officer, Thiruvananthapuram in which it was inter alia stated that payment of TA/DA to those who were retrospectively appointed while undergoing training would be considered on getting instructions from the Headquarters. However, as the applicant was not given any TA/DA for the period during which he had undergone training the applicant made a representation on 17.6.93. There was no response to this representation. Therefore, the applicant has filed this application praying that the respondents may be directed to disburse the TA and DA admissible to the applicant with effect from 16.11.89 on his regular absorption declaring that he was entitled to TA and DA during the training period which has been cancelled.

2. The respondents in their reply statement resist the claim on the ground of limitation as also on merits. As the claim of the applicant related to some period for the year 1989-90 and as the representation submitted by the applicant was on 17.6.93, the application filed after the limitation period is not maintainable in law, according to the respondents. They also contend that during the period in question on account of a deemed appointment the applicant is not entitled to get TA/DA.

3. Upon hearing the learned counsel for both the parties and on a perusal of the records, I am of the considered view that the plea taken by the respondents that the application is barred by limitation is well taken. As the claim related to the period 1989-90 and that the applicant had represented latest on 17.6.93, this application filed beyond a period of eighteen months from that date is barred by limitation. In

.3.

as
view of the above finding/this application has to be rejected
on the ground of limitation, it is not necessary for the
Tribunal to go into the merits of the case. The application
therefore fails on account of limitation and the same is
rejected under Section 19(3) of the Administrative Tribunals
Act. No costs.

Dated the 29th day of July, 1997.



A.V.HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

1. Annexure A2: True copy of the Office Order No. O.O. No. 134/90/M dated 18/23.7.1990 of the 3rd respondent.

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