

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. No. 108/2007.

This, the 7th day of August 2007.

Hon'ble Mr. Justice Khem Karan, Vice Chairman.

Jitendra Kumar Arora aged about 64 years
S/o late M.C. Arora Sr. Clerk under the
Respondent and resident of House No. 506/42
New Sardari Khera Alambagh, Lucknow.

Applicant.

By Advocate Shri A.C. Mishra.

Versus

1. Union of India through
General Manager, Headquarter office
Baroda House, New Delhi.
2. The Divisional Railway Manager,
Northern Railway Divi. Office,
Hazratganj, Lucknow.

Respondents.

By Advocate Shri S. Lavania.

Order(Oral)

By Hon'ble Mr. Justice Khem Karan, Vice Chairman.

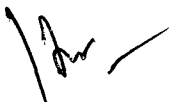
Heard on admission of this O.A. The applicant has come for
interest on delayed payment ~~amount~~ of gratuity.

2. Brief facts of the case are that on the date, the applicant
retired on 31.10.2002, formal disciplinary proceedings were pending
against him and these could be concluded on 20.7.2004. He was
exonerated of the charges. Amount of gratuity was paid to him on
2/9/2004, without any interest thereon. Applicant says that he
represented to the authorities for paying him interest as well, but

nothing was done. He alleges that it was in February 2007 that he received a letter (Annexure -3) to the effect that he was not entitled to the interest.

3. Shri S. Lavania has contended that O.A. is not maintainable for the reasons disclosed in the preliminary objections and also for the reasons that the same is time barred. According to him, cause of action arose to the applicant way back in September 2004 when he was paid an amount of gratuity without interest. According to him, even if, the applicant had given the representation for payment of interest, he ought to have come within time but he kept mum for almost three years. He has also said that the applicant is not challenging the letter of February 2007, which was issued by the authority on the reminders issued by the applicant. Shri Lavania, says giving of representations would not extend the period of limitation, especially when the same were not statutory one. Shri Mishra has submitted that applicant continued his efforts orally and in writing, for getting interest and, he was always assured that appropriate orders would be passed and so he kept waiting .

4. I have considered the respective submissions. Undoubtedly, the cause of action arose to the applicant in 2004 when the interest was not paid and if any case, within the reasonable time of the giving of representations for payment of interest. Applicant slept over the matter for almost 2 ½ years. He ought to have come within the period prescribed under Section 21 of the AT ACT 1985. Letter of February 2007 is not under challenge. So the O.A. appears to be not within time and deserves to be dismissed. The



Tribunal need not go into the merits. O.A. is dismissed as time barred. No costs.

[Signature]
07.8.07
(Khem Karan)
Vice Chairman

v.