

Central Administrative Tribunal Lucknow Bench Lucknow.

O.A. 41 /2008

This, the 25th day of January 2008

HON'BLE MR. JUSTICE KHEM KARAN, VICE CHAIRMAN.

Ganga Prasad Singh,
Aged about adult,
Son of Lae Sheri Baijnath Singh,
Resident of -Village-Sahodarpur Poorvi,
Post Makandarganj,
District-Pratapgarh.

Applicant.

By Advocate: Sri Praveen Kumar.

Versus

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

Respondents.

By Advocate: Sri S. Lavania.

Order (oral)

By Hon'ble Mr. Justice Khem Karan, V.C.

Sri Praveen Kumar appears for the applicant and Sri S. Lavania for the respondents. Though the name of Sri N.K. Agarwal, has been shown as counsel for the respondents, and he is on general adjournment, but Sri S. Lavania appears and says that the case has been allotted to him.

2. Sri Lavania has stated that the O.A. is extremely time barred as the applicant retired in 1994 and is coming to the Tribunal in 2008 for release of the arrears of salary after adding increments earned during the period from 1990-1994 and to recalculate the pensionary benefits accordingly. The applicant has come with a case that he retired in 1994, but continued giving representations right from 11.12.1995 till

11th of June 2007, but the respondents kept all those representations without passing any orders. Sri Praveen Kumar has stated that non-payment of claims, revised pension, is a continuing cause of action, more so when the respondents never rejected his claim.

3. I have considered the respective submissions and I am of the view that claim for increments in the circumstances, when the applicant has had been sending representations for all these years, cannot be said to be time barred. The proper course for the respondents was to dispose of the representation, with they have not done. So the O.A. is finally disposed of with a direction to the respondent No. 2 and to dispose of the representation dated 11.06.2007 Annexure A-4 in accordance with rules within a period of 3 months from the date a certified copy of this order together with the copy of the said representation is produced before him.

No order as to costs.


(Khem Karan)
Vice Chairman

v.