

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION No. 325/2008

This, the 22nd day of May, 2013

Hon'ble Justice Sri Alok Kumar Singh, Member (J)

Hon'ble Sri D. C. Lakha, Member (A)

Nazir, son of Late Sri Munir aged about 68 years, resident of 2154, F Block, Rajajipuram, Lucknow.

Applicant

By Advocate Sri Dharmendra Awasthi.

Versus

1. Union of India, General Manager, N. R. Baroda House, New Delhi.
2. Divisional Railway Manager, N. R. Mooradabad.
3. Senior Divisional Safety Officer, N. R. Morradabad.
4. Senior Divisional Personal Officer, N. R. Morradabad.

Respondents

By Advocate Sri Amarnath Singh Baghel for Sri M. K. Singh.

Order(Dictated in Open Court)

By Hon'ble Justice Sri Alok Kumar Singh, Member (J)

Heard.

2. This O.A. has been filed for giving direction to the respondents to revise and recalculate the pension amount according to the pay scale of Care Taker Rs. 3050-4590/- as per recommendation of Vth Pay Commission and consequential benefit thereafter for 6 years, 6 months and 18 days.

3. This O.A. has been admitted on 13.1.2009 subject to legal pleas.

4. At the out set, learned counsel for the applicant submits that it would meet the ends of justice, if this O.A. is disposed of finally with a direction to the respondents to decide his pending representation placed at Annexure-1 dated 02.02.2008.

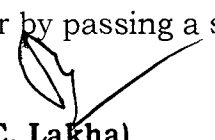
5. During the course of arguments, it comes to the notice that a preliminary objection regarding limitation had been raised from the side of the respondents. Since, this O.A. has already been admitted on 13.1.2009, this plea has now no significance. Otherwise also, from perusal of the record, it appears that the applicant retired in January, 1998, whereas, he had been making representations right from the year 1994. The copies of these representations have been placed on record.

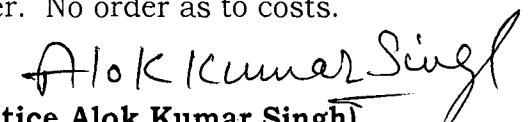
The first representation dated 31.8.1994, finds mention in Para 4.10 of

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the O.A.. In the corresponding paragraph of the counter affidavit, it has been merely said that this representation is not available on record. But the receiving of this representation has not been denied. Similarly, in Para 4.11 of the O.A., dates of subsequent representations i.e. 20.2.1995, 16.3.1996, 26.8.1997, 31.12.1998, 20.6.1999, 20.11.1999, 10.4.2003, 19.10.2005, 4.12.2007 and 02.02.2008 have been mentioned. But surprisingly, this paragraph 4.11 has not been replied with at all in the entire CA. Therefore, we have no other option but to accept the averments contained in Para 4.11. It is true that the repeated representations cannot bring subject matter within the limitation. But, having regard to the fact that, the aforesaid paragraph 4.11 has not been replied at all, and no such plea of repeated representations appears to have been taken from other side and also keeping in view the facts and circumstances of the case, and also the innocuous submission made today on behalf of the applicant for directing the respondents to decide the pending representation, we are entertaining this O.A. but without entering into the merits of the case. As far as the aforesaid submission about giving direction to the respondents to dispose of the last pending representation dated 02.02.2008 is concerned, the learned counsel for the other side has no substantial objection.

6. In view of the above, this O.A. is disposed of with a direction to the respondents to decide the aforesaid representation dated 02.02.2008 (Annexure01) within a period of three months from the date of this order by passing a speaking and reasoned order. No order as to costs.


(D. C. Lakha)
Member (A)


(Justice Alok Kumar Singh)
Member (J)

22.5.13

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