

1

**CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH
LUCKNOW**

Original Application No . No. 432 of 2011

Lucknow this the 4th day of March, 2014.

HON'BLE MR. NAVNEET KUMAR MEMBER (J)
HON'BLE MS. JAYATI CHANDRA, MEMBER (A)

Zamirul Hasan, aged about 75 years, son of Late Qamrul Hasan, resident of 337/31 Tar Talla, opposite Masjid, Rai Bareilly, formerly serving as Upper Divisn Clerk, Central Institute of Medcinal and Aromatic Plants, Lucknow.

Applicant

By Advocate Sri Amit Bose.

Versus

1. the Council for Scientific and Industrial Research, Rafi Marg, New Delhi through its Director.
2. The Central Institute of Medicinal & Aromatic Plants, Lucknow through its Director.
3. The Director, Central Institute of Medicinal & Aromatic Plants, Lucknow.
4. The Administrative Controller, Central Institute of Medicinal & Aromatic Plants, Lucknow.

Respondents

By Advocate Sri Pankaj Awasthi for Shri A. K. Chaturvedi

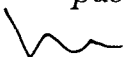
ORDER (ORAL)

By Hon'ble Mr. Navneet Kumar, Member (J)

The present Original Application is preferred by the applicant under Section 19 of the AT Act, 1985 with the following reliefs:-

"(i) An order directing the respondents hereto the either pay pension to the applicant as admissible in law or consider his case for payment of compassionate allowance under Rule 41 of the Central Civil Services (Pension) Rules with effect from September, 1980 till date and keep on paying the same as and when the same falls due every month henceforth and also pay him the arrears of his pension or compassionate allowance with effect from September, 1980 till date ignoring the impugned order dated 14.8.1980 passed by the Director, Central Institute of Medicinal & Aromatic Plants, Lucknow as contained in Annexure No. 1 hereto after declaring the same to be ab-initio null and void, or in the alternative,

(ii) An order quashing the impugned order dated 14.8.1980 passed by the Director, Central Institute of Medicinal and



Aromatic Plants, Lucknow as Contained in Annexure No. 1 hereto, and

(iii) An order directing the respondents hereto to treat the applicant to have served as an Upper Division Clerk in the Central Institute of Medicinal and Aromatic Plants, Lucknow till he attained the age of superannuation and pay him his salary and allowances of the said post as and when the same fell due till the date of his retirement, and

(iv) Grant any other relief deemed fit and proper in the circumstances of the case including an order awarding the costs of this application in favour of the applicant and against the respondents."

2. The learned counsel for the applicant has categorically pointed out that the copy of the removal order was served upon the applicant only through letter dated 19.4.2010. The information rendered under Right to Information Act. As such, the present O.A. is within time and the same is liable to be entertained by this Tribunal.

3. The learned counsel appearing on behalf of the respondents filed their preliminary objections on maintainability of the O.A. and pointed out that removal order dated 14.8.1980 was also published in the three local Newspaper i.e. 'Pioneer' on 11.10.1980, 'Hindustan Times' on 18.10.1980 and 'Northern India Patrika' on 14.10.1980. He has also annexed the copies of all those press cuttings as Annexure O-1, O-2 and O-3 to the objections filed by him. Apart from this, it is also indicated by the learned counsel for the respondents that in terms of Section 21 (2) (a) of the Administrative Tribunals Act which provides that the Tribunal will have jurisdiction with respect to grievance during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable i.e. 1.11.1985. The relevant provisions of Section 21 (2) (a) are quoted below:-

"(2) Notwithstanding anything contained in sub-section (1), where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates."

4. Apart from this, the order under challenged is dated 14.8.1980 as such, the present O.A. is also barred by limitation under Section 21 of the

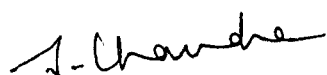
AT Act. Section 21 of the AT Act, reads as under:-

"21. Limitation-(1) A Tribunal shall not admit an application-
(a) in a case where a final order such as is mentioned in
Clause (a) of sub section (2) of Section 20 has been made in
connection with the grievance unless the application is
made, within one year from the date on which such final
order has been made;

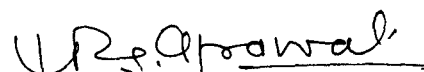
(b) in a case where an appeal or representation such as
is mentioned in Clause (b) of sub-section 20 has been made
and a period of six months had expired thereafter without
such final order having been made, within one year from
the date of expiry of the said period of six months."

5. Considering the submissions made by the learned counsel for the parties, we are not inclined to interfere in the present O.A. on the ground of limitation as well, as per Section 21 (2) (a) of the AT Act.

6. Accordingly, the O.A. is dismissed. No order as to costs.



(Ms. Jayati Chandra)
Member (A)



(Navneet Kumar)
Member (J)

vidya