

ORIGINAL APPLICATION NO.276 of 1992

this the 28th day of October 1996.

CORAM:

HON'BLE M. V. SETH, MEMBER (A)

HON'BLE M. B. C. VERMA, MEMBER (J)

Mohd. Yuseen

S/o late Ghisawan, S/o Vill. S.P.O. Manauli,
District - Sultanpur.

..Applicant

versus

1. Union of India,
Ministry of Railways, through-
the Railway Board, New Delhi.

2. The Incharge/Work Manager,
Carriage and Wagon Workshop,
Northern Railway, Alambagh, Lucknow.

..Respondents.

For the applicant: None

For the respondents: Sri S.Verma, Advocate.

CLERK (CRJ)

V.K. Seth, member (J).

Vide this petition the applicant has prayed that he be treated on duty w.e.f. the date he had reported on duty after he was cured from ailment of unsoundness of mind. He has also claimed pension as also arrears in respect of back wages, pension, D.A., bonus, etc.

2. The pleadings have been exchanged between the parties and we have also heard the learned counsel for respondents. Nobody has put in appearance on behalf of the applicant when the case was called out. There was also no application on his behalf for adjournment.

3. The applicant was appointed as Palleddar (coolie) in grain shop of Northern Railway, Alambagh, Lucknow on 10.2.44 and was promoted as weighman w.e.f.

1.12.44. He was absorbed as Khalasi in 1951 and further promoted as temporary lifter w.e.f. 3.2.56. According to the respondents, the applicant resigned from service and his resignation was accepted w.e.f. 7.6.67. It is further stated by the respondents that the applicant not being a pensioner, a sum of Rs.1878.90 on account of Provident Fund and Rs.1000.50 on account of S.C. to P.F. was paid to him in the presence of a Gazetted Officer and two witnesses.

4. The applicant in his rejoinder has denied these payments and further states that the authorities broke their silence only on 18.12.89 stating that he was non-pension staff and his dues has been paid in July 1967. He, therefore, argues that the C.A. is not within limitation.

5. We are not convinced by the contention of the applicant. It is clear that the matter relates to 1960's as the relief is claimed since then i.e. long before this Tribunal was established. The C.A., therefore, clearly attracts the provisions of Sec.21(2) of the A.P. Act relating to limitation, and is hit by the same. It also needs no emphasis that the applicant himself has been responsible for the inordinate delay and laches in preferring his claim before a judicial forum. It is also noteworthy that annexure enclosed by the applicant with his C.A. mentioning therein about the payments made to him in July 1967 is dated 8.12.89 while the C.A. has been filed in 1992 i.e. beyond one and half years. On this ground also the C.A. is barred by limitation. An additional aspect is the photo copies of the service records annexed by the respondents with their reply, which indicates the sanction of the amounts found due and payable to the applicant. In view of these circumstances, we find the claim of the applicant as lacking in merit as also barred by limitation. The

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