

CENTRAL ADMINISTRATIVE TRIBUNAL

OA No.193 of 2006

Date of order : 11hth May, 2006

Hon'ble Mr. Justice P.K. Sinha, Vice-Chairman
Hon'ble Mr. S.N.P.N. Sinha, Member[Admn.]

Vrs.

Counsel for the applicant : Shri Ashutosh Jha
Counsel for the respondents : Shri N.K.Sinha, ASC

Justice P.K.Sinha, Vice-Chairman : -

Heard both sides. The father of the applicant no.1 and 2 and husband of the applicant no.3 had filed a civil suit bearing Title Suit No.59 of 1980 which was disposed of by order dated 12.12.1985 by the 1st Addl. Munsif, Bhagalpur [Annexure-A/1] and the appeal to that was also disposed of by order dated 8.8.1995 [Annexure-A/3]. There appears to be an observation of the Trial Court in the judgment that the applicant would also be entitled to

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payment of emoluments relating thereto. From this judgment and framing of issues, it does not appear if that relief was even sought in that suit. Now the applicant has filed this application for payment of entire due salary to the applicant with interest. On query, as no date has been given as to for which specific period the salary was due, the ld. counsel submitted that it was prior to the year 1980. In para 5, it has been stated that the judgment of the Civil Court was in the form of money decree and had to be executed as early as possible. However, question arises,, firstly, whether after obtaining the decree of the Civil Court, the applicant can come to the Tribunal treating it as an executing court and, secondly, if the salary was due for a period prior to the year 1980, how the application is not hit by limitation under provisions of Section 21 of the A.T.Act, 1985.

2. From the averments in the application it also will appear that for execution of the decree of the Civil Court, Money Execution Case No.1 of 1998 is still pending and since the executing court was not disposing of the matter expeditiously, that has necessitated filing of this application here.

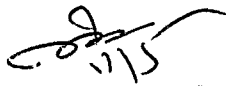
3. Therefore, we find that an Execution Case is already pending for execution of the decree, hence the applicant cannot be allowed to make use of the forum of this Tribunal for the same relief. Secondly, this



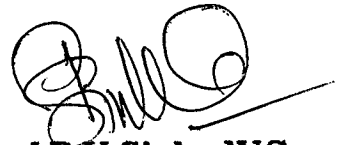
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application, under the provisions of Section 21 of the A.T.Act, is grossly barred by limitation.

4. In that view of the matter, we are of the view that this application is not maintainable. This application is dismissed as such.



[S.N.P.N.Sinha]M[A]



[P.K.Sinha]VC

mps.