

CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH AT MUMBAI

ORIGINAL APPLICATION NO. 79/99

Date of Decision: 4/2/99

Smt.Chanchal Ben Panchal Petitioner/s

Shri S.P.Inamdar Advocate for the
Petitioner/s.

v/s.

Union of India & Anr. Respondent/s

- Advocate for the
Respondent/s

CORAM:

Hon'ble Shri Justice R.G.Vaidyanatha, Vice Chairman.

Hon'ble Shri

(1) To be referred to the Reporter or not? *wo*

(2) Whether it needs to be circulated to
other Benches of the Tribunal? *wo*

abp.

R. G. Vaidyanatha
(R.G.VAIDYANATHA)
VICE CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG. NO. 6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI-400 001.

ORIGINAL APPLICATION NO: 79/99.

DATED THE 4TH DAY OF FEBRUARY, 1999.

CORAM: Hon'ble Shri Justice R.G. Vaidyanatha, Vice Chairman.

Smt. Chanchal Ben w/o. late
Chimanlal Premabhai Panchal
Residing at Room No. 4,
Gali No. 3, Krishna Cottage,
Koldunagar, Sahar Road,
Andheri (East),
Mumbai - 400 069.

... Applicant.

By Advocate Shri S.P. Inamdar

V/s.

1. Union of India through
General Manager,
Western Railway,
Churchgate,
Mumbai - 400 020.

2. Chief Work Manager,
Lower Parel Workshop,
Western Railway,
Mumbai - 400 013.

... Respondents.

ORDER

[Per Shri R.G. Vaidyanatha, V.C.]

Heard the learned counsel for applicant
regarding admission.

This is an application filed by applicant claiming
ex-gratia payment w.e.f. 14/7/87.

The applicant is the wife of Chimanlal Premabhai
Panchal who was a Railway employee. He resigned from service
on 29/6/1968. He died on 14/7/87. Now the applicant has
approached this Tribunal in 1999 claiming that her husband's
resignation should be treated as voluntary retirement and
on that basis she must be granted ex-gratia payment as per
Government circular ~~from~~ 14/7/87.

2. The applicant has not explained the delay in
approaching this Tribunal. When the husband himself lived
for 20 years after resignation and did not assert that
his resignation must be treated as voluntary retirement,

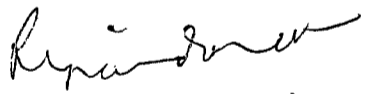


and died in 1987 and wife has approached this Tribunal that too after 11years that her husband's resignation should be treated as retirement is a stale and belated claim. Even if law of limitation is not applicable as argued by learned counsel for applicant, the application is barred by Principles of delay and latches. The applicant got a cause of action to claim ex-gratia payment on the death of her husband in 1987 and she has approached this Court after lapse of 11years. The husband got a cause of action after his resignation on 29/6/68 to approach a Court for a declaration that his resignation must be treated as voluntary retirement and he never took steps for 20years and died.

3. In these circumstances, my finding is that application is not only barred by limitation but also by principles of delay and latches. In the circumstances, OA is liable to be rejected.

4. In the result, the OA is rejected at admission stage. No costs.

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN