

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 487/2000.

Monday, this the 24th day of July, 2000.

Coram: Hon'ble Shri B.N.Bahadur, Member (A)

Usman Ahmed Khan,
Near Hindustani Masjid,
Shivaji Nagar,
Bhusaval,
District Jalgaon,
Maharashtra State - 425 201.
(By Advocate Shri R.D. Deharia)

... Applicant.

v.s.

1. Union of India through
the Secretary,
Railway Board,
Ministry of Railways,
Rail Bhavan,
New Delhi - 110 001.
2. The General Manager,
Central Railway,
CST,
Mumbai - 400 001.
3. The Financial Advisor
and Chief Accounts Officer,
Central Railway, CST,
Mumbai - 400 001.
4. Senior Divisional Accounts
Officer,
Central Railway,
Bhusaval - 425 201.

... Respondents.

: ORDER (ORAL) :

{Per Shri B.N.Bahadur, Member (A)}

This is an application made by Shri Usman Ahmed Khan aged 70 years, a retired Accounts Officer from Central Railway, Bhusaval seeking the relief, in substance, that he is entitled to payment of dual charge allowance for the period for which he officiated on dual charge i.e. from May, 1987 to September, 1990.

 ... 2.

Consequential reliefs are also sought as detailed in para 8 of the application.

2. I have heard the learned counsel for the applicant Shri R.D. Deharia and I am disposing of this application at the admission stage for reasons that will be clear in the subsequent paragraphs.

3. In the first instance, it is seen that the application is severely hit by limitation, inasmuch as it agitates a cause for the period between 1987-1990. I have seen the Annexures relied upon by Shri Deharia during the course of his arguments. The contention made by learned counsel for the applicant was that the application has been finally disposed of only on 13th June, 2000 (vide Annexure - A-1) this refers to the representation made by applicant on 10.6.2000 as is clear from Annexure A-1 itself. This is obviously, a case of repeated representations which do not help the cause of limitation, as per law clearly settled law by the Hon'ble Supreme Court in S.S.Rathore.

4. The learned counsel also referred to earlier applications filed by him which seem to have been replied to. For instance, Annexure A-2 is a reply by the Central Railway to the applicant dt. 29.10.1990 where the grievance that he agitates now has been considered and decided on. If applicant had any grievance, he could have approached the Tribunal six months after the representation was rejected. In any case, it is now 10 years and admittedly the official has retired. There is no ground on which such length of delay can be condoned, let alone the fact that applicant argues at para 3 of his application that he is within time. The reasons stated by way of contentions on his being within limitation are clearly not acceptable on a perusal of dates and facts.

...3.

Ans

5. At one point, the learned counsel also sought the protection of the ratio in the case of M.R.Gupta stating that his case also is one of a continuing cause of action, since pension is affected. This is something which cannot be stated to be a continuing cause of action. There is a clear grievance pertaining to the period 1987-2000 which has not been agitated for a decade. It may have affected the calculation of pension or may not have. It cannot be said, in the facts and circumstances of the case, that the applicant is saved from limitation. In fact he comes up after a decade.

6. In view of the discussions above, this application is rejected at the stage of admission. No order as to costs.

B.N.Bahadur

(B.N.BAHADUR)
MEMBER(A).

24/7/2000

B.

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
REVIEW PETITION NO.47/2000 IN DA-487/2000
DATED THE 10TH DAY OF OCT., 2000

CORAM: HON'BLE SHRI B.N. BAHADUR, MEMBER(A)

Shri U.A.Khan
V/s.
... Review Petitioner
(Original Applicant)

Union of India & 3 Ors. Respondents

ORDER

This is a Review Petition made by Shri U.A.Khan in respect of the orders made in OA No.487/2000 on 24/7/2000. I have gone through the Review Petition.

2. The Applicant has contended that this Tribunal has erred in concluding that the Application is hit by limitation, in rejecting the application at the stage of Admission. He also is aggrieved by the fact that the notice to the other side was not issued before deciding the case. If he is aggrieved by the decision regarding limitation or any other point, it is open for him to agitate the matter in an appropriate forum as per law. This cannot become a ground for reagitating the matter in a Review Petition. It is also not clear how the applicant can be aggrieved if notice is not served to the other side before deciding the case.

3. Other points raised in the application also relate to
merits of the case.

4. Since there is no error apparent on the face of the record discernable and since there is no ground either relating to any new fact having come to light, there is no ground on which this Review Petition can be held to be sustainable. Hence, the Review Petition is devoid of merit and is rejected. No costs.

Brodhead

(B.N.BAHADUR)
MEMBER(A)