

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 7 JUL 1988

APPLICATION NO.

97

/ 88(F)

W.P. NO.

Applicant(s)

Shri S. Kamaluddin

To

1. Shri S. Kamaluddin
39/1, Tabeeb Land
Hubli - 20
Dharwad District

2. Shri B.V. Venkoba Rao
No. 331, Alur Venkata Rao Road
Bangalore - 560 002

3. The Divisional Railway Manager
South Central Railway
Hubli

4. The Divisional Accounts Officer
South Central Railway
Secunderbad (Andhra Pradesh)

V/s Respondent(s)
The Divisional Railway Manager, South Central
Railway, Hubli & 3 Ors

5. The General Manager
South Central Railway
Rail Nilayam
Secunderabad (Andhra Pradesh)

6. The Chairman
Railway Board
Rail Bhavan
New Delhi - 110 001

7. Shri K.V. Lakshmanachar
Railway Advocate
No. 4, 5th Block
Briand Square Police Quarters
Mysore Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/STAY ORDER passed by this Tribunal in the above said application(s) on 4-7-88.

Encl : As above

g/s
R. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 4th DAY OF JUNE 1988

Coram : Hon'ble Justice Sri K.S. Puttaswamy - Vice Chairman
Hon'ble Shri L.H.A. Rego - Member (A)

APPLICATION No. 97/88

S. Kamaluddin
39/1 Tahib Land
Hubli - Applicant

(Shri B.V. Venkoba Rao, Special Power of Attorney Holder)

v

1. The Divisional Railway Manager
South Central Railway
Hubli
2. The Divisional Accounts Officer
South Central Railway
Secunderabad
3. The General Manager
South Central Railway
Secunderabad
4. Chairman
Indian Railway Board
Railway Board
New Delhi - Respondents.

(Shri K.V. Lakshmanacher, Advocate)

This application came up for hearing before
this Tribunal and Hon'ble Justice Shri K.S. Puttaswamy,
Vice Chairman, to day made the following

O R D E R

This is an application made by the applicant under

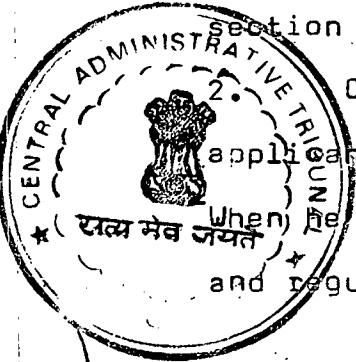
section 19 of the Administrative Tribunals Act, 1985 (Act. No. 25 of 1985)

On attaining the age of superannuation, the

applicant has retired from service as early as 19-3-1971.

When he retired from service in accordance with the rules

and regulations governing his case, the Railway Administration



had settled the commercial and other terminal benefits due to him. But notwithstanding the same, he claims a sum of Rs.3000/- due to him as on the date of his retirement towards PF dues and gratuity, had not been paid to him in this application made as late as 28-1-1988.

3. In the reply, the respondents have asserted, inter alia, that this application which seeks to adjudicate a claim that arose well before 1-11-1982 cannot be adjudicated by this Tribunal.

4. We have heard Shri B.V. Venkoba Rao, special power of attorney holder of the applicant and Shri K.V. Lakshmanachar, learned counsel for the respondents.

5. We have earlier noticed that the applicant retired from service as early as 19-3-1971 and the amounts due to him according to the Railway Administration had been all paid to him on that date or a few days thereafter. Without any doubt, every one of the claims of the applicant on the correctness of which we express no opinion arose and became final before 1-11-1982. On the ratio of the rulings of this Tribunal in V.K. MEHRA's CASE v SECRETARY I & B ATR 1986 CAT 203 and Dr. KSHEMA KAPOOR V UOI 4 ATC 329, this application which seeks to adjudicate matters which arose before 1-11-1982 cannot be entertained by this Tribunal.

On this short ground, this application is liable to be dismissed without examining all other questions. We therefore dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

TRUE COPY



Sd/-
(K.S. PUTTASWAMY)
VICE CHAIRMAN

By *[Signature]*
DEPUTY REGISTRAR (JD)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Sd/-
(L.H.A. REGO)
MEMBER (A)