

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 934/92
Transfer Application No.

Date of Decision : 21.3.1995

K.S.Deshpande.

Petitioner

Shri V.G.Pashte.

Advocate for the
Petitioners

Versus

Union of India & Anr.

Respondents

Advocate for the
respondents

C O R A M :

The Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman,
The Hon'ble Shri P.P.Srivastava, Member (A).

- (1) To be referred to the Reporter or not ? —
- (2) Whether it needs to be circulated to
other Benches of the Tribunal? NP

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(M.S.DESHPANDE)
VICE-CHAIRMAN

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

BOMBAY BENCH.

Original Application No. 934/92.

K.S.Deshpande. ... Applicant.

V/s.

Union of India & Anr. ... Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande,
Vice-Chairman,
Hon'ble Shri P.P.Srivastava, Member(A).

Appearances:-

Applicant by Shri V.G.Pashte.
None for the Respondents.

Oral Judgment:-

(Per Shri M.S.Deshpande, Vice-Chairman) Dt. 21.3.1995.

The applicant prays for a declaration that he had a right to serve the Respondents until he attained the age of 60 years i.e. up to 9.9.1971 and retiring him earlier was not in conformity with the instructions issued by the Respondents and for pay and allowances for the period from 9.9.1969 to 8.9.1971.

2. The applicant who was in Railway service of B.B.C.I. Railway Company having joined as a clerk on 6.3.1933 was entitled to continue in service up to the expiry of 60 years of his age, but he was retired on 9.9.1969 instead of 9.9.1971. He made representations requesting the authorities that he should be paid arrears on 17.7.1972, but there was no response to those letters. He, therefore, filed the present application on 2.9.1992.

...2.

2. The only question which we are called upon to consider is whether the application is within time. Obviously the applicant had been retired on 9.9.1969 on attaining the age of 58 years and even assuming that he was entitled to the benefit of the Circular issued by the Respondents, he should have approached the proper forum within three years from 9.9.1969. That was not done. The remedy of the applicant was extinguished by lapse of time and he cannot approach the Tribunal now when the remedy does not survive. Even under Section 21 of the Administrative Tribunals Act, the limitation for approaching the Tribunal is one year from the accrual of the cause of action.

3. In the circumstances, the application is dismissed as barred by time. No order as to costs.


(P.P. SRIVASTAVA)
MEMBER (A)


(M.S. DESHPANDE)
VICE-CHAIRMAN

B.