

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A.No.400/99

Date of order:15.09.1999

Jamuna Prasad Tiwari S/o Shri Rambodh Tiwari aged about 80 years
r/o 95 Dak Bungalow Road, Kota Junction, Kota.

...Applicant

Vs.

1. Union of India through the General Manager, Western Railway, Churchgate, Bombay- 20.
2. Divisional Railway Manager, Western Railway, Kota.

...Respondents.

Mr.Subhash Bisawa, counsel for the applicant

..

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

ORDER

Per Hon'ble Mr. S.K.Agarwal, Judicial Member

Heard the arguments on admission. The prayer of the applicant, in this Original Application, is to direct the respondents to declare the order dated 8.2.1999 illegal, mala fide and viod and to declare that the applicant is entitled to draw his pension equivalent to his junior Shri Tara Chand Sharma and to issue necessary directions to the respondents to calculate and fix his pension since 1.3.1985 equivalent to his junior Shri Tara Chand Sharma with the benefit of revised pension.

2. Admittedly, the applicant retired in the year 1976 and pension is always fixed on the basis of last pay drawn by the employee on the date of his retirement. The applicant did not challenge his pension within the period stipulated under Section 21 of the Administrative Tribunals Act. It appears that the applicant filed a representation dated 4.2.1999 before the D.R.M., Kota, which was disposed of vide order dated 8.2.1999 stating that the calculation of pension of the applicant was rightly done. It is the settled position of law that repeated representations do not extend the period of limitation. In S.S.Rathore Vs. State of M.P., AIR 1990 SC page 10, it has been made very clear that representations do not extend the period of limitation. No doubt, this Original Application, filed by the applicant, is belated and grossly barred by limitation as the prayer of the applicant is

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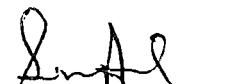
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based upon his retirement in the year 1976. The applicant also claims that he is getting less pension than his junior Shri Tara Chand Sharma. It appears that Shri Tara Chand Sharma was retired in the year 1985, therefore, at this belated stage, he cannot challenge the pay of Shri Tara Chand Sharma in comparison to the applicant and this OA in, our considered view, is hopelessly barred by limitation. We dismiss this Original Application as barred by limitation, in limine, at the stage of admission.



(N.P.NAWANI)

Administrative Member



(S.K.AGARWAL)

Judicial Member