

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 22.5.2001

OA No.201/2001

Smt. Jamna Bai w/o late Shri Dhanna Lal Mehar r/o Rang Talab, Nai
Basti, Kota Junction, Kota.

.. Applicant

Versus

1. Union of India through the General Manager, Western Railway, Churchgate, Mumbai.
2. Deputy General Manager, Western Railway, Kota.
3. Rail Path Nirikshak, Ramganj Mandi, Kota.

.. Respondents

Mr. Vinay Saxena, counsel for the applicant

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CORAM:

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

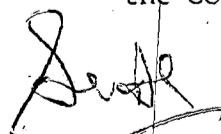
Hon'ble Mr. A.P. Nagrath, Administrative Member

ORDER

PER HON'BLE MR. S.K. AGARWAL, JUDICIAL MEMBER

In this Original Application applicant makes a prayer to direct the respondents to provide family pension and other admissible benefits to the applicant on account of death of her husband late Shri. Dhanna Lal Mehar, Gangman, Western Railway, Rail Path Nirikshak, Ramganj Mandi and further directions are also sought to pay the pension with interest at the rate of 18% w.e.f. 15.7.1972.

2. According to the applicant Shri Dhanna Lal Mehar died on 15.7.1972. It appears that applicant filed a Civil Suit before the Court of Additional Civil Judge (Junior Division), and Judicial Magistrate First Class, No.1, (North) Kota which was disposed of by the Court vide order dated 14.11.2000 with the direction that the case



may be filed before the competent court and thereafter the applicant has filed this OA for the relief as above.

3. From the averments made by the applicant, it will become abundantly clear that Shri Dhanna Lal died on 15.7.1972 and thereafter applicant has come before this Tribunal in the year 2001. Although a Civil Suit was filed in the year 1994 but even in the year 1994 the case of the applicant was not within limitation. The applicant was supposed to claim the relief within the limitation period as provided under Section 21 of the Administrative Tribunals Act. The learned counsel for the applicant submits that applicant has filed so many representations, but when nothing was done then she was compelled to file a Civil Suit. Therefore, the case of the applicant, looking to her financial and economic position, may be considered within limitation. We are not inclined to accept the contention of the learned counsel for the applicant as it has been held in S.S.Rathore v. State of MP and ors., SLJ 1997 (3) CAT 45 that repeated representations do not extend the limitation.

4. In U.T.Daman and Deav and others vs. R.K.Valand, 1996 (1) SCC (L&S) 205, Hon'ble the Supreme Court held that "The Tribunal fell in patent error in brushing aside the question of limitation by observing that the respondent has been making representations from time to time and as such the limitation would not come in his way".

5. In Ramesh Chandra Sharma vs. Udhamp Singh Kamal and ors. 2000 (1) SC SLJ 178, it was held by the Apex Court that the Tribunal was not right in overlooking the statutory provisions as contained in Section 21 (1) (B) of the Administrative Tribunal Act.

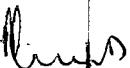
6. In view of the settled legal position and the facts and circumstances of this case, the case of the applicant is hopelessly



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barred by limitation as she has filed her claim after 28 years of the death of Shri Dhanna Lal Mehar. Therefore, the OA filed by the applicant cannot be treated to have been filed within limitation.

7. The OA is, therefore, dismissed as hopelessly barred by limitation.


(A.P. NAGRATH)

Adm. Member


(S.K. AGARWAL)

Judl. Member