

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 159 of 2006

Bilaspur, this the 28th day of June, 2006

Hon'ble Dr. G.C. Srivastava, Vice Chairman
Hon'ble Mr. A.K. Gaur, Judicial Member

S.S. Mistry, aged about 63 years, son of
Shri Biharilal Mistry, Retd. Chief Reservation
Supervisor/Raipur, LIG E-45, Sector-3,
Devendra Nagar, Raipur-492 009,
P.N.B. S/B AC/NO. 0372113.

... Applicant

(By Advocate - Shri A.N. Bhakta)

V e r s u s

1. The Union of India, through
Ministry of Railway, New Delhi.

2. The South Eastern Central Railway,
Bilaspur Division, through its
Divisional Railway Manager,
Bilaspur (CG).

3. The Senior Divisional Personnel
Manager, South Eastern Central
Railway, Bilaspur, (CG).

4. The Senior Divisional Personnel
Manager, South Eastern Central
Railway, Raipur, (CG).

... Respondents

O R D E R (Oral)

By A.K. Gaur, Judicial Member -

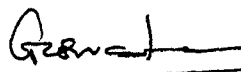
The applicant has filed this Original Application seeking direction to the respondents to make payment of DCRG Rs. 22,535/- supplementary bills for Rs. 2,746/- and TA for Rs. 347/- with interest at the rate of 10% per annum. The applicant voluntarily retired from service w.e.f. 1.11.2001. Therefore, after retirement the applicant was entitled to get Rs. 59,380/- on various heads. Out of this outstanding, the respondents have not paid Rs. 22,500/- on account of balance amount of DCRG and TA claims. The applicant has approached this Tribunal in the year 2006 i.e. after a period of 5 years and no Misc. Application has been filed by the applicant seeking prayer for condonation of delay. The delay is not explained by the applicant by way of application and affidavit for condonation of delay. In view of the decision of the Hon'ble Supreme Court in the case of Ramesh Chandra Sharma Vs. Udham Singh Kamal, 2000 SCC (L&S)

53, the Original Application filed without application for condonation of delay is liable to be dismissed by the Tribunal.

2. Mr. M.N. Banerjee, Standing counsel for the Railways is also present and was heard.

3. It has been contended by the learned counsel for the applicant that some letter dated 9.12.2005 was issued by the office of the Sr. Divisional Personnel Officer, SECR, Bilaspur and in view of the said letter he should be given the benefit of limitation. We have considered this aspect also. It is a settled principle of law that series of representations will not extend the period of limitation. The Hon'ble Supreme Court in JT 1998 (8) SC 529 has clearly held that merits of the case cannot be seen without condoning the delay. Since we are not inclined to condone the delay, we are not going into the merits of the case. Accordingly, the Original Application is dismissed at the admission stage itself as barred by limitation.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

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