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CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
CIRCUIT COURT SITTING AT BILASPUR

Original Application No. 410 of 2006

Bilaspur this the 30th day of June, 2006

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

Smt. Jam Bai, W/o Late Shri Gualdas
Aged about 46 years, House Wife,
Residing at House No.227,
Ward No.29, Appapura, Durg,
District: Durg (CG)

Applicant

(By Advocate – Shri B.P.Rao)

Versus

1. Union of India,
Through – The General Manager,
South Eastern Railway, Garden Reach,
Kolkata (West Bengal).
2. The Divisional Railway Manager,
South Eastern Railway,
Kharagapur Division, DRM Office,
Kharagpur (West Bengal).
3. The Sr. Divisional Personnel Officer,
South Eastern Railway,
Kharagapur Division, DRM Office,
Kharagpur (West Bengal)

Respondents

(By Advocate- Shri M.N.Banerjee)

ORDER (Oral)

By Shri A.K. Gaur, Judicial Member :-

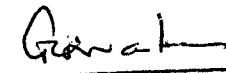
By means of the aforesaid OA, the petitioner has prayed for issuing a direction to the respondents for revising ex-gratia family pension and also for issuance of second class Railway complimentary pass in her favour and to take a final decision on her representation dated 2.12.96. Admittedly, the petitioner was granted ex-gratia family pension vide order dated 18.1.91 (Annexure-A-1), she remained complacent for all these years. She made representation before Divisional Railway Manager, South Eastern Railway, Kharagpur on

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2.12.1996 praying therein that her ex-gratia family pension may be revised and direction may be given for issuance of second class Railway complimentary pass in her favour.

2. For redressal of her grievance, the petitioner has approached the Tribunal in the year 2006 i.e. after lapse of more than 10 years, as her husband died in the year 1963. No application for condonation of delay alongwith an affidavit has been filed by the applicant in support thereof. In view of the decision of Hon'ble Supreme Court in the case of **Ramesh Chandra Vs. Udham Singh Kamal** reported in 2000 SC (L&S) page 53, we are unable to interfere with the merits of the case, unless the delay is properly explained ^{Gr} and condoned by us. The Hon'ble Supreme Court has also laid down in JT 2002 (5) SC 367 that the Tribunal may dismiss ^{an} OA on the ground of laches, delay even in the case of continuing cause of action. We are of the considered view that the petitioner has failed to explain ^{cite Gr} any cogent and plausible reasons for condonation of delay in the matter. The OA is dismissed on the ground of laches and delay at the admission stage itself.


(A.K. Gaur)
Judicial Member


(Dr. G.C. Srivastava)
Vice Chairman

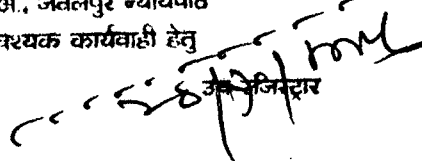
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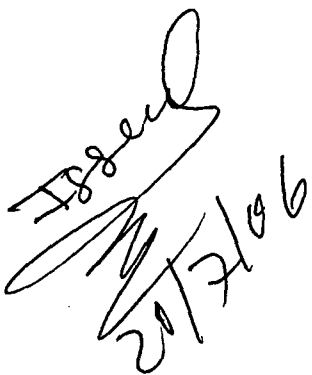
पृष्ठक सं जो/व्या.....जबलपुर, दि.....

पतिलिपि अर्जो दित:-

- (1) सचिव, उच्च न्यायालय द्वार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के कार्यालय
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के कार्यालय
- (4) मध्यपाल, री.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

Shri B.P. Rao Jy
Shri Ch. Banefekhar




20/2/06