

Central Administrative Tribunal
Jabalpur Bench
Camp at ~~Gwalior~~

OA No.745/06

Gwalior, this the 7th day of November, 2006.

CORAM

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

Mahendra Swaroop Bhatnagar
S/o late Shri R.S.Bhatnagar
Retired Station Superintendent from
North Central Railway
Jhansi Division
Jhansi (UP).
R/o D-106 Vinay Nagar,
Sector 3, Gwalior.

Applicant.

(By advocate Shri B.P.Singh)

Versus

1. Union of India through
Secretary
Ministry of Railway
New Delhi.
2. General Manager
Central Railway
Chhatrapati Shivaji Terminus
Mumbai.
3. General Manager
North Central Railway
Allahabad (UP)
4. The Divisional Railway Manager
(Personnel), North Central Railway
Jhansi Division
Jhansi (UP).

(By advocate Shri Raja Sharma)

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ORDER (oral)**By Dr.G.C.Srivastava, Vice Chairman**

This OA has been filed praying for re-fixation of pay pursuant to the promotion of the applicant on 1.3.95. Learned counsel for the applicant submitted that the applicant was promoted on 7.2.95 (A-3) to the grade of Rs.2000-3200 with effect from 1.3.93 and submitted his option on 1.3.95 (A-5) requesting that his pay may be fixed after giving normal increment in lower grade in August 1993. This option is said to have been received by the duty staff clerk at Banda on 1.3.95. The applicant subsequently found that he has not been given the benefit of the option and therefore, he represented on 5.11.95 (A-7) for redressal of his grievance. This was followed by a number of representations on 10.11.96, 20.5.2000, 15.12.2003 and 5.10.2005. Meanwhile, the applicant retired on 31.10.97, but no relief was granted to him by the authority. He took the matter to the Pension Adalat also. The Pension Adalat declined to grant any relief on the ground that his option was not acceptable as it was not confirmed that he had submitted an option (A-8 & A9). The first reply was given on 4.12.2000 followed by another reply on 5.11.05 stating that the applicant had already been informed of the decision on his representation on 4.12.2000. The applicant subsequently caused a lawyer's notice on 18.11.05 for redressal of his grievance.

2. We find that this OA is highly time bared in as much as the applicant claims the benefit as on 1.3.1993 and even his retirement pension was fixed in 1997. He has kept on representing to the authorities regarding his grievance and has approached this Tribunal on the ground that it is continuing cause of action and therefore, ^{he claims that} the OA is within limitation.

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3. Without going into the question of limitation and merits of the OA, we are of the view that since the applicant has been representing repeatedly, it would be appropriate for the authorities to consider the issue once again on the basis of evidence for submission of the option which may be supplied by the applicant and take a decision on his grievance on the basis of the advocate notice (A-10) which was sent on 18.11.05. Accordingly the respondents are directed to consider the advocate's notice dated 18.11.05 (A-10) and pass a detailed and reasoned order without rejecting the application on limitation ground, within a period of two months from the date of receipt of this order.

4. As already mentioned, we have not considered the OA on merits.

5. With the above direction, the OA is disposed of.

A.K. Gaur
(A.K. Gaur)
Judicial Member

Dr. G.C. Srivastava
(Dr. G.C. Srivastava)
Vice Chairman

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पृष्ठान्कन से ओ/न्या.....जवलपुर, दि.....

पतिलिपि आगे धिता:-

- (1) सचिव, जल न्यायलय वर एग्रेसिवेशन, जवलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/कु.....के काउंसल
- (4) बंधुभाए, कोषाज, जवलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु

B.P. Singh Adv. Rwl

Raj Sharma Adv. Rwl.

उप सचिव

Issued
on 18.11.06
Dr.