

**CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH
CIRCUIT AT INDORE**

O.A. NO.21/2002

Indore, this the 12th day of August, 2003

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

HON'BLE SHRI R. K. UPADHYAYA, MEMBER (A)

Gurdav Singh S/O Sardarsingh,
Matharu, R/O Ratlam,
Ex Railway employee of
Deputy Chief Engineer (S&C),
Western Railway, Ratlam.

... Applicant

(By Shri A. N. Bhatt, Advocate)

-versus-

1. Union of India through
General Manager (S&C),
Western Railway, Churchgate,
Mumbai-20.

2. Deputy Chief Engineer (S&C),
Western Railway, Do-batti,
Ratlam.

... Respondents

(By Shri Y. I. Mehta, Sr. Advocate with Shri D. S. Patel, Advocate)

ORDER (ORAL)

Hon'ble Shri Shanker Raju, Member (J) :

The applicant impugns the pension cut imposed upon him by order dated 13.11.1998 (Annexure A-1). It is contended that earlier OA No.885/1998 was rejected on 10.9.1998 giving him liberty to exhaust his remedy in accordance with law. Today the learned counsel for the applicant produced before us copy of order dated 7.12.2001 passed in RA No.31/1999 in the aforesaid OA, wherein his request for interest has been rejected on the ground that the grievance cannot be raised afresh on merits which would amount to re-agitating the matter.

2. In view of the provisions of Section 21 of the Administrative Tribunals Act, 1985, as the applicant has not availed of any remedy of revision against the order passed after his superannuation by the Board imposing 5% cut in pension for three months, the limitation started running from receipt of order dated 13.11.1998 and the present OA has been filed on 8.1.2002. Grounds adduced in MA No.51/2002 as to payment of settlement dues on 22.8.1999 and thereafter submission of representation against the illegal cut in pension cannot add to the limitation as no statutory remedy provides a representation against pension cut and it is only a revision against the Presidential order.

3. In this view of the matter, as this application has been filed beyond the limitation envisaged under Section 21 of the A.T.Act, the grounds are not justifiable. ^u
The OA is accordingly dismissed as barred by limitation. No costs.

(R. K. Upadhyaya)
Member (A)

(R. K. Upadhyaya)
Member (A)

S. Raj
(Shanker Raju)
Member (J)

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| पृष्ठांकन सं. ओ/व्या. | जबलपुर, दि..... |
| प्रतिलिपि अच्योहित :- | Adel |
| (1) रामेश, जा. व्यापारी पात्र प्रसंगिताशन, जबलपुर | A. Bhattacharya, Ratna |
| (2) अद्योदति ओ/व्या/व्या/व्या | Adel |
| (3) रामेश ओ/व्या/व्या/व्या | Adel |
| (4) गंगाधर कृष्ण, जबलपुर व्यापारीठ यूक्ता एवं अवश्यक कार्यवाही देतु | Y. I. mehta, Indore |

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