

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

O.A. No. 2751/2013

M.A. No. 2572/2013

Reserved on : 17.02.2016

Pronounced on : 23.02.2016

**HON'BLE MR. JUSTICE SYED RAFAT ALAM, CHAIRMAN
HON'BLE MR. P.K. BASU, MEMBER (A)**

Krishna Kumar Bhatia,
Aged about 60 years,
S/o Late Shri Shyam Sunder Bhatia,
Working as Chief Inspector Tickets in Group 'C'
At Moradabad Railway Station,
Northern Railway,
Moradabad Division.

Resident of : JA-21/22, Navin Nagar,
MDA Colony, Moradabad U.P.

.. Applicant

(By Advocate : Shri H.P. Chakravorty)

Versus

1. The Union of India through
The General Manager,
Northern Railway,
Headquarters Office,
Baroda House,
New Delhi-01.
2. The Divisional Railway Manager,
Northern Railway,
Moradabad U.P.

.. Respondents

(By Advocate : Shri S.M. Arif)

ORDER**By Hon'ble Mr. P.K. Basu**

The applicant is serving as Chief Inspector Tickets at Moradabad Railway Station, Northern Railway. He has made the following prayer in this O.A.:

“8.1 To allow the OA and direct the respondents to consider the case of petitioner for grant of three advance increments in a year for 18 years (1995-2012) due to him as per Railway Board's order dated 03.02.1995 (Ann. A-2) & GM's order dated 10.03.1995 (Ann. A-3) with difference of arrears and other fringe benefits accrued in his favour on this account and also publish his name in the Railway Gazette as per norms and Ann. A-2”.

2. In support of his claim, the applicant has annexed a copy of the letter dated 03.02.1995 written by one Shri R.N. Saxena, Adviser (Commercial), Ministry of Railways (Railway Board) to General Manager, Northern Railway. The contents of the letter are reproduced below:

“I am enclosing herewith a list of ticket checking staff of your Railway who have achieved a marvellous performance of earning more than Rs.1 lakh per month as penalty charges and earned an incentive of Rs.5,000. I have already given a letter of commendation personally, and I am sure they will do much better in future.

However, I feel that those ticket checking staff who achieve this figure of Rs.1 lakh and more as penalty charges for three months in a year should be considered for three advance increments so as to give them some permanent benefit and encouragement. Since it is within your powers, I would request you to kindly recognise the good work done by the staff by giving them three advance increments and also by publishing their names in the railway gazette, so that the employees are exhorted to keep up their performance and even do better.”

3. It is further stated that vide letter dated 10.03.1995, the General Manager (Commercial) has written to the Sr. Divisional Railway Managers of Northern Railway enclosing a copy of the letter dated 03.02.1995 with the instruction "to issue necessary instructions to all concerned staff under advice to this office". The learned counsel for the applicant, therefore, states that this letter would be treated as instructions from the Railway Board and, therefore, since his client has achieved the figure of Rs.1 lakh and more as penalty charges in three months in a year, he should be considered for three advance increments.

4. The first objection of the respondents is on the question of delay and limitation. It is stated that the only representation made by the applicant is dated 22.11.2001 and, thereafter, he has remained silent.

5. It is further stated that the applicant has not shown sufficient cause for seeking condonation of delay of over 18 years in filing the O.A. and, therefore, condonation of delay needs to be rejected, in the interest of justice. In this regard, the respondents have cited judgment of the Hon'ble Supreme Court in P.K. Ramachandran Vs. State of Kerala and Another reported in JT 1997 (8) SC 189, wherein it has been held as follows:

"The law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribed and the Courts have no power to extend the period of limitation on equitable grounds."

6. On the merits of the case, it is stated that the scheme of the Railways is to grant an incentive of Rs.5000/- only. There is no Railway Board's instruction providing for three increments. In fact, our attention is drawn to letter written by the Sr. Divl. Commercial Manager to the Chief Commercial Manager, Northern Railway dated 14.08.1995 regarding the similar claim made by Shri Surinder Singh Sahni, TTI, wherein the following clarification has been given:

“In order to give benefit of advance increment to Shri Surinder Singh Sahni, TTI, for his meritorious work, the case was sent to DRM for sanction. The case has been returned back on the plea that above mentioned letter of Railway Board, is only a recommendation, not a circular/directive. The orders should be issued from GM(P) after approval of the competent authority.”

7. There is no doubt in our mind that this O.A. is completely misplaced. Though the applicant in para 8.1 of the O.A. has mentioned about Railway Board's orders, none of the orders, i.e. Annexure A-2 and A-3, cited by him, are Railway Board's Instructions. In fact, the language of the letter dated 03.02.1995 is clear. It is only a recommendation and since the original letter is a recommendation, letter dated 10.03.1995 does not have any significance, though we must observe that the General Manager (Commercial) should be more careful while issuing such letters. The applicant, thus, has no claim based on any rules of the Railways. Moreover, it is clear that after 2001, the applicant has not taken any steps and the O.A. is hopelessly barred by limitation and,

therefore, both on the ground of limitation as well as merit, the O.A. deserves to be dismissed.

8. The O.A. is, therefore, dismissed. No costs.

(P.K. Basu)
Member (A)

(Syed Rafat Alam)
Chairman

/Jyoti/