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**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

O.A.No.51/2016

Dated this Thursday the 11th day of April, 2019

**Coram:Dr. Bhagwan Sahai, Member (A).
Shri R. N. Singh, Member (J).**

Shri Liyakat KhanMohd. Khan
Age 59 years,
Occ. Service,
R/at Mayuresh Apartment,
801, Ganesh Valley,
Ekvira Road, Sinnar Phata,
Nasik Road, Dist. Nasik.

Working Add: SKF-III/ARIEEN,
Nasik Road, Nasik C. R. Bhusawal
Division, Nasik 42606.

...Applicant.

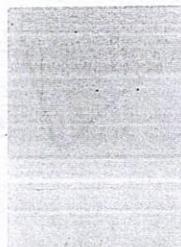
(By Advocate Shri R. K. Singh).

Versus

1. Union of India, through
the General Manager,
Central Railway,
Head Quarters,
CST, Mumbai 400 001.
2. The Divisional Railway Manager,
Central Railway,
Bhusawal 425201.
3. The Divisional Railway Manager (P)
Central Railway Division Office,
Bhusawal.425201.
4. The Director/IRIEEN,
Nasik Road,
Nasik 42306.

... Respondents.

(By Advocate Shri R. R. Shetty).



O R D E R (O R A L)
Per : Dr. Bhagwan Sahai, Member (A)

Present.

1. Shri R. K. Singh, learned counsel for the applicant.
2. Shri R. R. Shetty, learned counsel for the respondents.
3. The applicant has filed the present OA under Section 19 of the Administrative Tribunal's Act, 1985 seeking the following reliefs:

"This Hon'ble Court may be pleased to direct to the Respondents have given the promotion and salary of Class III Grade Rs.5200-20200+GP Rs.2800 from the year 1990 till the retirement from the service and direct to the Respondents have released the differences of 5th and 6th Pay Commission from the effect from applicable as per Government Order to the applicant forthwith and benefit of the pension and settle the matter of the Applicant from 24.12.1988 deputed to ARIEEN in the interest of justice."

4. He submits that vide letter dated 14.11.2014 (Annex A-1 page 13), the respondent no.4 has requested the respondent no.2 to get the issue raised by the applicant solved by adjusting him in Class III in Pay of Rs.5200-20200+GP 2800 against the adjusting vacancy in the grade at that time so that before retirement of the applicant he gets justice. The learned counsel for the applicant submits that inspite of specific request of the

respondent no.4 to respondent no.2, no action has been taken by the respondents till date.

5. In response to the notice of this Tribunal the respondents have filed reply. They have stated that the OA is not maintainable being barred by delay of 25 years and in this regard they have relied upon catena of case laws including S.S.Rathod Vs. State of Madhya Pradesh reported in (1989) 4 SCC 582 and dated 16.05.2000 and also in E. Paramsivan & Ors. Vs. Union of India & Ors. dated 14.02.2002 reported in 2002 (94) FLR 939, JT 2002 (5) SC 367, (2003) 12 SCC 270. However, the fact remains that the respondent no.4 himself has written the letter dated 14.11.2018 (Annex A-1) for considering the claim of the applicant but till date no final decision has been taken by the respondents.

6. Taking in view the letter dated 14.11.2014 (Annex A-1) in the aforesaid documents and without going into merits of the claim of the applicant, we are of the considered view that the OA can be disposed of with directions to the Competent Authority under the respondent no.1 to 3 to take a final view with regard to the claims of the applicant raised in the present OA, keeping in view the relevant Rules, instructions and law on the subject and also the letter dated 14.11.2014 (Annex

A-1) sent by the respondent no.4 and pass a reasoned and speaking order within 10 weeks from the date of receipt of certified copy of this order.

7. Accordingly, the OA stands disposed of in aforesaid terms. No order as to costs.

(R. N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

v.

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