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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

OA NO. 2308/003

This the 19th day of September, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

P.L.Sarin  
R/o 10-84, Subhash Nagar,  
New Delhi.  
U.D.C., Group-C  
(Non-gazetted)

(By Advocate: Sh. R.P.Luthra)

Versus

N.C.T. of Delhi  
through Chief Secretary,  
Govt. of NCT Delhi  
Delhi Secretariat,  
I.P.Estate,  
New Delhi.

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

This OA has been filed by the applicant seeking retiral benefits. Applicant is stated to have retired some time in the year 1967 on voluntary retirement. Applicant submits that he has served the department continuously for the period of 20 years but no retiral benefits have been given by the authority. It is only on coming to know about the entitlement of the voluntary retirement benefits after rendering 20 years service applicant has made representation to Chief Secretary, NCT, Delhi but to no effect.

2. Applicant further submits that he had received last letter on July 2000 wherein he has been informed that his service book and personal file have not been found in the old records of the office. Now after a lapse of almost 36 years, it is not possible to take any action for grant of retirement benefits in the absence of his personal file and service book which are not found in the old records.

/s/

3. I have heard the learned counsel for the applicant and gone through the record. Admittedly, applicant is stated to have retired from service in the year 1967 itself. However, one of the letter Annexure-B shows that applicant himself says that his service have been terminated w.e.f. 28.2.54 on account of reduction in department. Applicant submits that he took voluntary retirement from the New Delhi Treasury in 1967 though there is no nexus between the voluntary retirement and termination of service in 1954 but it is the case that applicant after the alleged voluntary retirement in the year 1967 did not make even a single representation for grant of any retiral benefits. Now after a lapse of almost 36 years when the records are not available even with regard to his appointment it is not possible to give any directions to the respondents to release retiral benefits to the applicant.

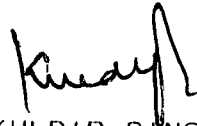
4. OA itself is highly barred by time. I may further mention that cause of action if at all has arisen to the applicant in the year 1967 itself and the Tribunals were formed in the year 1985. According to the Section 21 of the AI Act wherein grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates and no proceedings for the redressal of such grievance had been commenced before the said date before any High Court then the application shall be entertained by the Tribunal if it is made within the period referred to in



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clause (a), or as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

5. Here in this case the cause of action, if at all has arisen, that has arisen in the year 1967, so the applicant cannot file the OA after a lapse of 36 years which is barred by principle of limitation as well as by doctrine of delay and laches. Hence, OA is dismissed in limine.



( KULDIP SINGH )  
Member (J)

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