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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3164/2002

M.A.No.2711/2002

Wednesday, this the 4th day of December, 2002

Hon'ble Shri Justice V.S. Aggarwal, Chairman  
Hon'ble Shri S.A.T. Rizvi, Member (A)

1. Photo Division Employees Association (Recog.)  
M/o Information & Broadcasting  
through its Joint Secretary  
Ashok Kumar  
Photo Division  
Soochna Bhawan, CGO Complex  
Lodhi Road, New Delhi-3
2. Ramesh Panwar  
Senior Photo Assistant  
Photo Division  
M/o Information & Broadcasting  
Soochna Bhawan, CGO Complex  
Lodhi Road, New Delhi-3

..Applicants

(By Advocate: Shri G.D. Bhandari)

Versus

Union of India through

1. The Secretary  
Ministry of Information & Broadcasting  
Shastri Bhawan, Dr. Rajender Prasad Road  
New Delhi-1
2. The Director, Photo Division  
M/o Information & Broadcasting  
Soochna Bhawan, CGO Complex  
Lodhi Road, New Delhi-3
3. The Secretary (Expenditure)  
Ministry of Finance  
North Block, New Delhi-1

..Respondents

O R D E R (ORAL)

Shri S.A.T. Rizvi:

Heard.

2. The grievance herein is that the respondents have failed to grant higher pay scales to the personnel working in the Photo Division of Ministry of I & B in accordance with the general recommendations made by the 5th Central Pay Commission in paragraph 55.188 of its report.

3. The learned counsel appearing on behalf of the applicants has relied on several documents placed on record which go to show that within the respondents' set up recommendations were made at one point of time that the aforesaid recommendations could be applied to the applicants. He has also produced before us the photo copies of the notings on the relevant file which also support his contention that there was a definite thinking in the Ministry to grant the aforesaid higher pay scales to the applicants. We are not impressed by the aforesaid plea for the simple reason that the correspondence and the notings on which the reliance has been placed are, in our judgment, in the nature of internal correspondence which could not be said to be decisive insofar as the grant of the aforesaid pay scales to the applicants is concerned. Decisions in such matters are to be taken by the competent authorities. Such an authority is located in the Implementation Cell of the Department of Expenditure in the Ministry of Finance. It is at that level that a final decision has been taken to reject the applicants' plea and accordingly, the applicants have been informed by letters dated 15.3.2000 and 22.3.2001 placed at Annexures A-1 & A-2.

4. While dealing with the recommendations of the 5th CPC, we have also noticed the recommendations made by the Commission in respect of the Photo Division of the Ministry of I & B as a specific case. In para 73.82 of the Commission's report, it has been made clear that the Commission were not in favour of en masse <sup>upgradation of</sup> ~~aforesaid~~ <sup>of post.</sup> ~~recommendations in the Photo Division.~~ Instead they held

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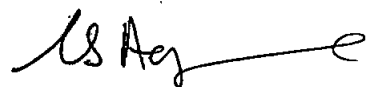
the view that the problem of stagnation could be taken care of by the scheme of Assured Career Progression recommended by them elsewhere. This specific recommendation should, in our view, be held to supersede the general recommendations made by the Commission in para 55.188 of its report. For this reason also, we do not discover much merit in the applicants' claim.

5. The applicants' claim was, as already noticed by us, rejected on 15.3.2001 but the present OA has been filed belatedly on 29.11.2002. In accordance with Section 21 of the Administrative Tribunals Act, 1985, the applicants ought to have approached this Tribunal within a period of one year from 15.3.2001. There has been an obvious delay in approaching the Tribunal. The applicants have also not filed any application for condonation of delay. The reason advanced on behalf of the applicants that placement of applicants in a higher pay scale constitutes a recurring cause of action fails to convince us at all. Thus, the application is clearly barred by limitation.

6. In the light of the foregoing, we find no merit in the present OA. Besides, it is also found by us <sup>1 to be</sup> time barred. In the circumstances, OA is rejected in limine.



(S.A.T. Rizvi)  
Member (A)



(V.S. Aggarwal)  
Chairman