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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2737/1999

New Delhi this the 8th day of March, 2001

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi. Member (A)

Rattan Singh
S/O Sh. Shish Ram,
R/O Village Resulpur,
P.O. Ranikhera, Delhi.

..Applicant

(By Advocate Shri Yogesh Sharma)

VERSUS

1. N.C.T. of Delhi through
The Chief Secretary,
5, Sham Nath Marg, New Delhi.

2. The Director of Education,
Directorate of Education,
Govt. of Delhi, 5, Sham Nath Marg,
New Delhi.

..Respondents

(By Advocate Shri Vijay Pandita)

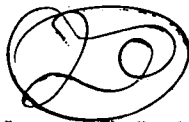
O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J) :

The applicant is aggrieved by the action of the respondents in not granting him revised pay scale of Rs. 80-220 from the date of his appointment that is w.e.f. 19.8.1953. According to him, this pay scale has been granted to similarly situated persons and junior persons in the year 1988-1989 in compliance with the Hon'ble Sub-Judge order dated 1.10.1985 in Suit No/583/1981, 584/1981 etc.

2. This O.A. has been filed on 16.12.1999. The learned counsel for the respondents has taken a preliminary objection that the OA is hopelessly barred by limitation as well as jurisdiction, considering the fact that the applicant has sought refixation of pay with all consequential pensionary benefits in the pay

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scale of Rs.80-220 w.e.f. 19.8.1953. He relies on the provisions of Section 21 (3) of the Administrative Tribunals Act,1985.

3. Shri Yogesh Sharma, learned counsel for the applicant has relied on the judgement of the Delhi High Court in Keshav Ram Vs. Delhi Administration through Chief Secretary, Delhi Admn. & Ors. in LPA No.190/1972 decided on 19.3.1982 which has been followed by the Civil Court in the aforesaid judgement. He also relies on the judgements of the Hon'ble Supreme Court in M.R. Gupta Vs. Union of India (1995(5)SC scale 29) and Girdhari Lal Vs. Union of India and Ors (SLP(C)14005/1992 decided on 3.1.1996(Annexure A-8)). He has submitted that as the applicant is seeking revision of pay scale which has been given to similarly situated persons, the respondents ought not to have denied the same to him, merely on the ground of limitation. Further, he has submitted that this is a recurring cause of action and hence, it will not be barred by limitation. Learned counsel for the respondents has, however, submitted that the above averments of the applicant are incorrect as the applicant's claim is for fixation of seniority. Hence he ought to have approached the appropriate judicial forum well in time which he has not done. He has also submitted that in terms of the provisions contained in Section 21(3) of the Administrative Tribunals Act,1985, the Tribunal does not have jurisdiction to adjudicate on the matter of fixation of pay w.e.f.19.8.1953. He has also submitted that the applicant does not get a fresh cause of action in the circumstances of the case,

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merely because of the earlier judgement delivered by the Delhi High Court or the Sub-Judge in 1982 and 1985, respectively. Even after these two judgements, the applicant has taken fourteen years to file this OA. He has also relied on the judgement of the Tribunal in O.P. Satija Vs. Union of India and Ors (1995(29)ATC 1) and has submitted that this being a belated application which deals with the grievance arising more than three years prior to the commencement of the Act, the application may be dismissed.


4. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties.

5. Taking into account the facts and circumstances of the case, and the specific relief prayed for by the applicant, we find merit in the submissions made by Shri Vijay Pandita, learned counsel for the respondents that this OA is hopelessly barred by limitation. Applicant seeks seniority and refixation of pay, with consequential pensionary benefits in which he has claimed that he should have been granted the pay scale of Rs.80-220 w.e.f. 19.8.1953. The claim is therefore, clearly barred under the provisions of Section 21(3) of the Administrative Tribunals Act, 1985, as it deals with a grievance arising more than three years before the constitution of this Tribunal. O.A. is, therefore, liable to be dismissed on this ground.

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6. However, before parting with this case, we note the submissions made by Shri Yogesh Sharma, learned counsel for the applicant that the applicant is similarly situated like the other teachers who have been absorbed by the respondents, for whom similar claims have been allowed by them. In the circumstances, we make it clear that this order should not come in the way of the respondents granting similar reliefs as granted to other similarly situated persons by them, subject to their satisfaction that persons juniors to him have been granted the same relief. Therefore, to this extent, the respondents may re-consider the claims of the applicant and grant him the reliefs which they have given to other similarly situated persons, considering the fact that the applicant has retired w.e.f. 31.7.1990 as expeditiously as possible with intimation to him. No order as to costs.


(Govindan S. Tampi)
Member (A)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)

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