

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. No. 2245/95

Date of decision 29-1-1996

Hon'ble Shri N.V.Krishnan, Acting Chairman  
Hon'ble Smt.Lakshmi Swaminathan, Member (J)

Shri Ramesh Chander  
S/o Shri Narain Dutt,  
R/o 218, Ghoga, Delhi-39

... Applicant

(By Advocate Shri S.K.Bisaria )

Vs.

1. Lt.Governor through  
through  
Chief Secretary,  
Govt.of NCT Delhi  
Sham Nath Marg, Delhi

2. Director of Education,  
Govt.of NCT, Old Sectt.,  
Delhi.

... Respondents

O R D E R (ORAL)

(Hon'ble Shri N.V. Krishnan, Acting Chairman )

As an issue of limitation was raised, applicant was directed to file MA for condonation of delay and that has been filed. We have heard the learned counsel. It appears that the Science Branch in which the applicant was working was declared a school under the Delhi Education Act by the Annexure -4 dated 16-9-1987. Therefore, employees therein were given the benefits of the order dated 6-9-1983 (Annexure 3) regarding Medical allowance and non teaching allowance. However, the aforesaid order was cancelled by order dated 25-4-1988 (Annexure-5).

2. Some persons other than the applicant filed O.A. 1502/1988 against the cancellation of the order which resulted in depriving them of the benefits given by the Annexure-4 order. That O.A. was disposed of with the following directions:-

1. The respondents shall within a period of four months from the date of receipt of a copy of this order after giving an opportunity to the petitioners of hearing in the matter, decide the question as to whether the petitioners should be accorded the benefit of the stagnation allowance, and medical allowance and if and to what extent they deserve grant of non-teaching allowance.
2. Pending consideration of the question as aforesaid, the petitioners shall not be deprived of the benefit of the aforesaid allowances which they are drawing now on the strength of the interim orders granted by the Tribunal.
3. In the event of the respondents deciding that the petitioners are not entitled to the benefit of all or some of the aforesaid allowances, their decision shall have prospective effect and they would not be entitled to recover the amount of allowances already paid to the petitioners. This direction is given having regard to the special facts and circumstances of this case and cannot, therefore, be treated as affording a precedent.

3. Accordingly the matter was reconsidered by the respondents and ultimately an order was passed on 8.3.1994 conveying the decision to stop all the allowance to these persons, which, in terms of the Tribunal's directions, was given <sup>u only</sup> prospective effect.

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4. The case of the present applicant is that unlike the applicants in OA 1502/1988, he is a person to whom no allowance was paid at all, despite the Annexure-4 order dated 16-9-1987. He has, therefore, made a prayer to issue a direction to the respondents to pay the teaching allowance at the rate of Rs 100/-p.m. and Rs 15/- as Medical allowance per month u.e.f. 20.3.1980 till 23-3-1994 with interest.

5. Learned counsul clarifies that payment is requested from 20.3.1980 because in terms of Ann.2 order dated 28.3.1987 the recognition date was back dated u.e.f. 20-3-1980.

6. In the application for condonation of delay, it is stated that the applicant did not file OA alongwith others earlier for the reasons that he expected that on remand by the Tribunal, the respondents would declare the eligibility list of the persons working in the Science Branch. However, the respondents have rejected the claim. He has also stated that the applicant had submitted several representations. We have heard the learned counsul, We are of the view that in terms o<sup>o</sup> the order dated 28.3.1987 if the applicant was to receive any benefits and respondents had refused/bi<sup>o</sup> benefits to give any benefits and respondents had refused/bi<sup>o</sup> benefits

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though other persons in similar situations have already been given such benefits, then the cause of action arose in 1987 itself and limitation would begin to run from that date. Mere filing of representation would not extend the limitation.

7. In the circumstances, we are of the view that this O.A. is barred by limitation and accordingly it is dismissed.

*Lakshmi Swaminathan* 29.1.96  
(Smt. Lakshmi Swaminathan) (N.V. Krishnan)  
Member (J) Acting Chairman

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