

Central Administrative Tribunal
Principal Bench, New Delhi.

OA 33/95

New Delhi this the 24th day of May, 1996.

Hon'ble Sh. B.K. Singh, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

Sh. Umesh Kumar Verma,
S/o Sh. Rajender Singh Verma,
Working as Tailor - No. 7856202,
510, Army Base Workshop,
Meerut Cantt., UP.

Applicant

(through Sh. D.K. Gang, advocate)

versus

1. The Union of India,
through the Secretary/Ministry
of Defence, Govt. of India,
New Delhi.

2. The Commandant,
510, Army Base Workshop,
Meerut Cantt., UP.

Respondents

(through Sh. V.S.R. Krishna, advocate)

ORDER
delivered by Hon'ble Sh. B.K. Singh, Member (A)

This O.A. No.33/95 has been filed seeking
the following reliefs:-

- (a) to issue an appropriate direction or order commanding the respondents to give the pay scales of Rs.260-400 to the applicant with effect from 17.1.83 as has been ordered by the Hon'ble Supreme Court of India in several writ petitions filed by the colleagues of the applicant, similarly situated;
- (b) to issue an appropriate direction or order commanding the respondents to pay the arrears of pay scales as has been done in the case of other persons, similarly situated.

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On notice the respondents filed their reply contesting the application and grant of reliefs prayed for.

Heard the learned counsel for the parties and perused the record of the case.

A perusal of reliefs sought for itself indicates that the applicants have been claiming relief with effect from 17.1.1983. The Hon'ble Supreme Court in case of State of Punjab Vs. Gurdev Singh (1991(4) SCC 1) have held the view that the party aggrieved by an order has to approach the court for reliefs within the statutory period of limitation, since after the expiry of the statutory time limit, the court cannot grant the reliefs prayed for. The same view has been reiterated in case of S.S. Rathore Vs. State of M.P. (AIR 1990 SC 10) holding that an aggrieved person must approach the court for relief within one year if no representation/appeal has been filed and six months after if an appeal/representation has been preferred. It further lays down repeated unsuccessful representations do not extend the period of limitation.

As regards the various judgements quoted by the learned counsel for the applicant, it may be pointed out that the Hon'ble Supreme Court in case of Bhoop Singh Vs. U.O.I. (J.T 1992(3)SC 322) have held the view that judgements/orders of the court in other cases do

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not give cause of action. The cause of action has to be reckoned from the actual date and aggrieved persons must approach the competent court within the period of limitation prescribed. This view was reiterated with greater force in case of U.C.I. Vs. Ratam Chandra Samanta-JT 1993(3) SC 418. It was held that delay and laches deprive a person of the remedy available to him and if the remedy is lost, the right also is lost alongwith it. In case of Ex-Captain Harish Uppal Vs. UOI JT 1994(3)P.126, the Hon'ble Supreme Court has held that delay defeats equity and court should help those who are vigilant and not those who are indolent. The parties are expected to pursue their rights and remedies promptly and if they just slumber over their rights, the court should decline to interfere. The period of limitation has been prescribed specifically under Section 21 of the A.T. Act, 1985. No M.A. for condonation of delay has been filed and we find no reason to condone the delay.

The various reports also filed by the learned counsel for the applicant regarding recommendations of the 3rd Pay Commission, Anomalies Committee and the judgement of the Hon'ble Supreme Court have dealt with the cases other than those of the tailors. The classification of tailors into two groups has not yet been struck down and, therefore, unless this classification is struck down the tailors will not be eligible for the same scale of pay and the judgement of the Hon'ble Supreme Court in case of Boot Makers will not be applicable to them. The classification and the pay scales for tailors still exist in the statute book. The 1d. counsel for the

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applicant has brought out a letter whose veracity could not be certified by the ld. counsel for the respondents. That letter also is an internal correspondence wherein the Dogra Regiment has sent a reply to Gorkha Rifles and this does not lead us to any conclusion that the classification of the tailors into two groups has since been struck down either by a court or has been removed by the respondents themselves, as a result of the recommendations of the Anomalies Committee. In the instant case, the recommendations of the 3rd Pay Commission are under challenge when the 4th Pay Commission recommendations have already been implemented in full and the 5th Pay Commission's recommendations also are in the stage of finalisation. The pay scales are left to the expert bodies like Pay Commissions as has been held by the Hon'ble Supreme Court in case of State of UP & Ors. Vs. J.P. Chaurasia & Ors. AIR 1989 SC 19 and in case of State of MP & Ors. Vs. Pramod Bhartiya & Ors. JT 1992(5) SC 683 and in a catena of other judgements. Unless it is specifically shown that this classification is arbitrary, the Tribunal can not grant the reliefs prayed for. Thus the application is dismissed as one hit by delay and laches and also on merits.

There will be no order as to costs.

A. Vedavalli
(Dr. A. Vedavalli)
Member (J)

(B. K. Singh)
Member (A)

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