

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.NO.463/96

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)  
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 10th day of December, 1999

1. Nanak Chand s/o Shri Chander Bhan
2. Tooka Ram Sharma s/o Sh. Laxmi Parsahad
3. Jab Saran s/o Shri Vikram Jit
4. Karan Singh s/o Sh. Ram Chander
5. Jai Singh s/o Sh. Umerao Singh
6. Raj Kumar s/o Sh. Aman Singh
7. Yavender Pal s/o Sh. Ramji Lal
8. Ram Karan s/o Sh. Ami Chand
9. Sri Kishan s/o Sh. Lila Ram
10. Ranbir Singh s/o Sh. Hari Singh
11. Kanti Pd. Tyagi s/o Sh. Ram Singh
12. Dharampal Singh s/o Sh. Kamal Singh
13. Deepla s/o Sh. Jabbar Singh.

All are working in the Ordnance Factory  
Muradnagar and r/o Ordnance Factory  
Estate, Murdnagar, Distt. Ghaziabad(UP). Applicants  
(By Adovcate: Shri V.P.Sharma)

Vs.

1. Union of India through  
The Secretary  
Ministry of Defence  
Dept. of Defence Production  
Govt. of India  
New Delhi.
2. The Director General  
Ordnance Factory Board  
10-A, Auckland Road  
Calcutta (WB).
3. The General Manager  
Ordnance Factory  
Muradnagar  
Distt. Ghaziabad(UP). ... Respondents  
(By Advocate: Shri V.S.R.Krishna)

O R D E R (Oral)

By Reddy J.

Applicants have been initially appointed as Fettler 'B' between 1976 and 1982, in Ordnance Factory, in the pay scales are fixed at Rs.196-232 (+ Rs.10/- as Special Pay). Subsequently on the recommendations of the Expert Classification Committee their pay scales were revised from Rs.196 to 232 (+ Rs.10/- as Special Pay) to Rs.210-290 w.e.f. 16.10.1981 vide order dated 16.10.1981. Subsequently

*(Signature)*

the posts of Fettler have been merged with Fitter (General) in the pay scale of Rs.260-400 by an order dated 23.1.1990 w.e.f. 25.1.1990. Thus the applicants were drawing the pay scales of Fitter General 'B' in the scale of Rs.260-400 from 25.1.1990. The grievance of the applicants is that the above pay scale should be paid to them w.e.f. 16.10.1981.

2. The respondents opposed the application on the ground of latches and limitation. It is contended by the learned counsel for the respondents that the applicants should have questioned the action of the respondents in granting the pay scale w.e.f. 16.10.1981 immediately after the orders have been passed, i.e. 23.1.1990.

3. We do not find any explanation in the OA except stating that they have been agitating the matter before the respondents for the payment of higher pay scales. No tenable explanation has also been given by the counsel for keeping quiet for so many years till the filing of the OA in 1996. We are clearly of the view that the OA suffers from latches and the matter has become stale.

4. Learned counsel for the applicants draws our attention to the Judgement of this Tribunal passed in OA No.1569/94 dated 30.7.1999. In this case the applicants were Fitter (Instruments) and also claim the pay scales at the rate of Rs.260-400 w.e.f. 16.10.1981. While disposing of the OA, noticing that there were representations dated 13.10.1993 made by the applicants to the respondents and that no reply

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has been received by the applicants therein, the Tribunal directed the respondents to consider and dispose of the said representations. The learned counsel for the applicants submits that the same relief may be granted in this case also. It is seen that OA No.1569/94 had been filed on 28.7.1994 whereas the present OA was filed on 29.2.1996. In the above case, the question of latches had also not been kept in view while disposing of the OA. We are of the view that the matter has become stale and no reasonable explanation for not filing the OA for over six years is forthcoming. No application is also filed for condoning the delay, we are not prepared for keeping the OA alive which suffers for serious latches. The OA is dismissed on the ground of latches and on limitation.

R.K.Ahoja  
(R.K.Ahoja)  
Member(A)

V.Rajagopala Reddy  
V.Rajagopala Reddy  
Vice Chairman(J)

/rao/