

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 26/94

New Delhi, 19th September, 1994

THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

S. C. Tahiliani,
Carriage & Wagon Suptd, Delhi,
R/O 250, Double Storey,
New Rajinder Nagar,
New Delhi - 110060.

... Applicant

By Advocate Shri B. K. Batra

Versus

1. Union of India through
the General Manager,
Northern Railway,
Baroda House, New Delhi.
2. Divl. Railway Manager,
Northern Railway,
New Delhi.
3. Chief Medical Officer,
Northern Railway,
Central Hospital,
New Delhi.

... Respondents

By Advocate Shri B. K. Aggarwal

ORDER

In this application, Shri S. C. Tahiliani, Carriage & Wagon Supdt., Delhi has prayed for re-fixation of pay from 1975 to a level drawn by his junior Shri T. R. Vashisth.

2. From the materials on record, it appears that the applicant was appointed as an Apprentice Train Examiner on 18.12.1957 and as Train Examiner on 27.1.1962 on the Western Railway and was transferred to Delhi Division on the Northern Railway on 25.11.1962. He was declared unfit for the post of T.E. for a period of one year vide orders dated 31.12.1968 and

was absorbed as c Clerk w.e.f. 22.2.1969. While working as T.E. he was drawing Rs.219/- in the scale of Rs.180-240, but when put to work as a Clerk his pay was fixed at Rs.180/- in the scale of Rs.110-180. He claims that he should have been granted personal pay of Rs.29/-. By letter dated 31.12.1969, the pay scale of TEs was raised to Rs.205-280 and the applicant represented that he should be absorbed as Clerk in pay scale of Rs.130-300, but this was rejected vide letter of Oct., 1972. He continued to work as Clerk at the maximum of Rs.180/- in the scale Rs.110-180 but was given a stagnation increment of Rs.5/- w.e.f. 22.2.1971 and accordingly his pay was fixed in the revised scale of Rs.260-400 w.e.f. 1.1.1973 and he continued to earn increments thereafter. Eventually the applicant was re-examined by a Medical Board who declared him fit for the post of TE. When he rejoined on 3.5.1975, his pay on resumption as TE was fixed at Rs.440/- in the scale of Rs.425-700 with reference to his pay which he drew at the time he was declared unfit in 1969 and the benefits of advance increments prayed for by him was disallowed vide letter dated 9/75 (Ann. A-8). A claim filed in the Labour Court bearing No. LCA 13/78 for wages and annual increments for the period 1.1.1969 to 5.4.1975 was also dismissed by order dated 30.3.1985 (Ann. A-9). Meanwhile on being declared fit for his original job as TE in 1975 the applicant admits having been given promotion to higher grades of Rs.550-750, Rs.700-900, & Rs.2375-3500.

3. The applicant's contention is that his junior Shri Vashisth who during the period 1969 to 1975, when the applicant was not working as TE, continued earning increments in the pay scale of Rs.180-240/425-700, and hence the applicant who during that period was working as Junior Clerk in the scale of Rs.110-180/260-400 should also get the benefits of increments.

4. This claim of the applicant as per his own admission was rejected by the respondents in Sept., 1975 and again in 1976 (Ann. A-7). A claim filed by him on the same ground in the Labour Court in 1978 was rejected by order dated 30.3.1985. Thereafter he filed another representation which was again rejected on Oct., 1991. This O.A. itself was filed on 20.12.1993, i.e., more than two years after his last rejection.

5. It is clear that the cause of action relates to 1975 which is outside the jurisdiction of this Tribunal. His prayer has already been rejected by the Labour Court in 1985. It is well settled that repeated unsuccessful representations do not enlarge the period of limitation (S. S. Rathore vs. State of M.P. : AIR 1990 SC 10). Furthermore, no reason has been given for the inordinate delay in filing this O.A. on 20.12.1993 after the applicant's representation was rejected in Oct., 1991, and no petition for condonation of delay has been filed either.

6. Hence, this application is dismissed on ground of lack of jurisdiction, limitation and laches.

No costs.

M. S. R. Adige
(S. R. Adige)
Member (A)

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