

Central Administrative Tribunal
Principal Bench, New Delhi.

OA-1183/94

New Delhi this the 12th Day of October, 1995.

Hon'ble Shri B.K. Singh, Member(A)

1. Association of Machinists working in the Ordnance Factory, Muradnagar through their Secretary Jile Singh, HS-II, Ordnance Factory, Muradnagar, R/o 9RR 209-211, Ordnance Factory Estates, Muradnagar.
2. Shri Nand Lal,
S/o Sh. Niranjan Das,
Machinist HS-1, Ordnance
Factory, Muradnagar(UP).

Applicants

(through Sh. Laxman Bhardwaj, advocate)

versus

1. Union of India
through the Secretary,
Defence Production,
Ministry of Defence,
South Block,
New Delhi.
2. Chairman,
Ordnance Factory Board,
6, Aukland Road,
Calcutta.
3. General Manager,
Ordnance Factory,
Muradnagar,
Ghaziabad-201206.

Respondents

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

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

This O.A.No.1183/94 has been filed seeking the relief that the respondents should be directed to carry out the judgement dated 30.10.1987 passed in T.A.No.1361 and 1246/86 by the Central Administrative Tribunal, Calcutta Bench and order dated 14.5.1993 passed in O.A.No.138/90 by the Central Administrative Tribunal, Principal Bench, New Delhi on the ground that

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the applicants are similarly situated as the applicants in these O.As; (ii) to direct the respondents to grant the members the pay scale of Rs.330-480/- from 16.10.1981 to 30.08.1984 and the pay scale of Rs.380-560/- from 13.08.1984 to date; & (iii) to direct the respondents to pay the arrears of salary and allowances forthwith.

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 the reliefs sought for itself indicates that the relief claimed relates to the period from 16.10.1981 to 30.08.1984. The Central Administrative Tribunal Act forbids taking cases for adjudication prior to 1.11.1982 i.e. 3 years before the constitution of Central Administrative Tribunal Benches in the country. It has been held in case of Shri V.K. Mehra Vs. the Secretary, Ministry of I & B (ATR 1986(1) CAT 203) that the Administrative Tribunals Act, 1985 does not vest any power or authority in CAT to take cognizance of a grievance arising out of an order passed prior to 1.11.1982. The limited power vested to condone the delay in filing the application within the statutory period of limitation is contained under section 21 provided the grievance in respect of has been an order/made within 3 years of the constitution of the Tribunal. This does not fall within three years of the constitution of the Tribunal. In case of State of Punjab Vs. Gurdev Singh (1991(4) SCC 1), it has been held that the party aggrieved by an order has to approach the court for reliefs within the statutory

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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 wherein it refers to one year as limitation period if no representation or appeal has been filed and $1\frac{1}{2}$ years if an appeal or representation is preferred. The limitation period starts running from the expiry of six months period after filing the representation. It further lays down the law that repeated representations do not extend the period of limitation.

As regards various judgements quoted by the learned counsel for the applicant, it may be pointed out that the Hon'ble Supreme Court in case of Bheep Singh Vs. U.O.I. (JT 1992(3)SC 322) have held the view that judgement and orders of the court in other cases do not give cause of action. The cause of action has to be reckoned from the actual date and efforts have to be made to approach the competent court within the period of limitation prescribed. This view was reiterated with greater force in case of Union of India Vs. Ratan Chandra Samanta (JT 1993(2) SC 418 wherein it was held that by delay and laches the person is deprived of the remedy available to him and if the remedy is lost, the right also is lost alongwith it. In case of ^{Ex-Caption} Harish Uppal Vs. U.O.I., the Hon'ble Supreme Court have laid down the law that delay defeats equity and courts help those who are vigilant and not those who are indolent. The parties are expected to pursue the rights and remedies promptly and if they choose not to do so, court should decline to interfere. The learned counsel for the applicant filed a copy of the judgement of the Hon'ble Supreme Court

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in case of Collector and another Vs. Katiji and others.

This judgement is not applicable in the instant case.

Since the Central Administrative Tribunals Act is a self contained Act where the period of limitation is prescribed under Section 21 of the Act. The Hon'ble Supreme Court have the power under Article 136 of the Constitution to condone the delay in the interest of justice but the same power is not vested with the High Courts/Tribunals and as such this judgement which has been placed on record is not applicable in the instant case. Thus, without entering into the merits of the case, the application is dismissed on the ground of delay and laches alone but without any order as to costs.


(B.K. SINGH)
MEMBER(A)

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