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Central Administrative Tribunal
Principal Bench, New Delhi.

O.A.No.868/1994

New Delhi, This the 29th Day of April 1994

Hon'ble Shri P.T. Thiruvengadam, Member(A)

Kishori Lal son of Late Shri
Tulsi Ram resident of
H.No.787, Palam Village
Delhi.

...Applicant

By Advocate Shri A K Bhardwaj

Versus

Union of India

1. Through: The Secretary
Ministry of Communication
Govt of India, Dak Tar Bhavan
New Delhi.
2. The Chief Post Master General
U.P. Circle,
Lucknow.
3. Senior Superintendent
Post & Telegraph
Meerut Circle,
Meerut.
4. The Post Master
Post Office
Meerut Cantt..

..Respondents

O R D E R (Oral)

Hon'ble Shri P.T. Thiruvengadam, Member(A)

1. The relief claimed in this DA is for re-fixing the retirement benefits by giving the benefit of promotion to the applicant with effect from 1.6.⁷⁴~~74~~ in lieu of 14.12.80 the date on which the applicant was actually promoted.
2. The learned counsel for the applicant argued at length to impress that limitation will not be applicable in this case since there is a continuous cause of action. He gave reference to Thotharam Sharma Vs Union of India and others reported in 1990(3) SLJ CAT 181 New Delhi.

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J

3. As against this, there are a number of other Tribunal decisions. In 11(1992) CSJ CAT-4 it was held that "delay should not be condoned except in very ^{rare} cases having extraordinary features and circumstances and where pay fixation is itself the direct cause and not a consequential benefit of some other cause". Also in 1989(11) ATC 516 the Principal Bench has held "While subscribing to the above view, we however, make one exception, the exception is that in case there is a recurring cause of action like payment of salary or pension, the above law laid down by the Tribunal as amended above, will not hold good. If the cause of action brings the case within the orbit of Sect 21(2) it will be entertained in principle. In the present case, there is no continuing cause of action, the cause of action not being in the select list in 1975 arose in 1987. There is no question of cause of action having survived."

4. Also in ATR 1986(1) CAT 203 it has been held "the limited power that is vested to condone the delay in filing the application within the period prescribed is under section 21 provided the grievance is in respect of an order made within 3 years of the constitution of the Tribunal". In another case 1991(2) SLJ 15-SC it was held that "The courts and Tribunals should be slow in disturbing the settled affairs in a service after such a long time".

5. In this OA the applicant is claiming promotion from 1974 in lieu of 1980. Therefore this OA can not be admitted and is rejected at the admission stage itself. No costs.

P. J. [Signature]
(P. T. THIRUVENGADAM)
Member (A)

LCP