

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

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OA. No.897 of 1994

Dated New Delhi, this the 3rd day of June, 1994

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

1. The C.P.W.D. Architectural Asstt/
Asstt (A.D.) Association, represented
through its General Secretary,
Shri Kusla Nand, Room No. 435,
A Wing, Nirman Bhawan
NEW DELHI
2. Shri Harish Dua
Architectural Assistant
A-2, Nirman Vihar
DELHI-92
3. Shri J. K. Bhatnagar
Architectural Assistant
C-1, Minto Road Complex
NEW DELHI-110002
4. Shri Arun K. Bhalla
Architectural Assistant
BB/38 E, Janakpuri
NEW DELHI 110058
5. Shri Syed Ghayasuddin
2249, Naya Mohalla
Ballimaran
DELHI-110006
6. Shri Vinay Kumar Behl
Asstt. (A.D.)
E 280, East of Kailash
NEW DELHI-110065

... Applicants

By Advocate: Shri K. B. S. Rajan

VERSUS

1. Union of India, through
The Secretary
Ministry of Urban Development
Nirman Bhawan
NEW DELHI
2. The Director General of Works
Ministry of Urban Development
Nirman Bhawan
NEW DELHI

... Respondents

By Advocate: None present

O R D E R

Shri B. K. Singh, M(A)

This OA 897/94 The C.P.W.D. Architectural Asstt/
Asstt (A.D.) Association represented through its
General Secretary, Shri Kusla Nand and 5 others
as applicants and Union of India through Secretary
Ministry of Urban Development, Nirman Bhawan, New

Delhi and the Director General of Works, Ministry of Urban Development, Nirman Bhawan, New Delhi, as respondents, has been filed against the rejection by the respondents, vide their letter dated 19.8.93 (Annexure-A) of the demand of the applicant association for the extension of the order dated 11.9.87 of Ministry of Finance, Department of Expenditure.

2. The averments in the OA are that applicant no.2 to 4 are Architectural Asstts. employed in the Respondents' organisation. There are two wings in the C.P.W.D. organisation and the Third Pay Commission in its recommendation had identified the drawing staff in the Engineering as well as Architectural wings as "Draftsmen". An extract of the Third Pay Commission is annexed and marked as Annexure-C to the OA. On the basis of OM of 11.9.87 issued by the Ministry of Finance, Department of Expenditure the applicant association and the applicants are claiming the benefits of replacement scale of Rs. 425-700 w.e.f. 1.1.73 on the plea that their right crystallised only when the respondents issued the circular on 11.9.87.

3. The biggest hurdle for the applicant association is the period of limitation. The learned counsel for the respondents argued that the cause of action arose only when their representation was rejected on 19.8.93

vide annexure-A in which they had claimed the extension of the benefit of the order dated 11.9.87 of Ministry of Finance, Department of Expenditure.

4. The reliefs prayed for by the applicant are:

- (i) Those Architectural Assistants/Asstts(A.O) who were earlier in 205-280 but whose pay was fixed in 330-560 in 1975 should be given the pay scale of 425-700.
- (ii) Those Architectural Assistants/Asstts(A.O) who were inducted subsequent to 1.1.73 in the grade of 330-560 (earlier 205-280) should also be given 425-700.
- (iii) As a consequence of revision of pay scales as above, the respondents be directed that their pay be properly fixed and arrears thereof be directed to be paid with interest at the rate of 12% per annum.

5. In this case the cause of action arose in 1973 after the implementation of the recommendation of the Third Pay Commission and the applicants should have agitated their grievance in the competent forum at that time or latest when the Circular of the Finance Department in the light of the judgement of the CAT was issued in 1987 when the pay scale of the Draftsmen was revised on the basis of the orders of various Benches of the Tribunal including the Principal Bench. It has been held in the State of Punjab Vs. Gurdev Singh 4 SCC 1, that an aggrieved party has to approach the Court for relief of declaration that the order against him is inoperative and not binding upon him within the

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time limit prescribed, If the statutory time limit expires, the court cannot give the declaration sought for. The Administrative Tribunal Act does not vest any power or authority to take cognizance of a grievance arising out of order made prior to 1.11.82. The limited power that is vested to condone the delay in filing the application within the period prescribed is under section 21 of the Administrative Tribunal Act provided the grievance is in respect of an order made within three years of the constitution of the Tribunal. It has been further held in the case of Bhoop Singh Vs. Union of India JT 1992(3) 50 322 that the judgements and orders of the court in other cases do not give a cause of action. Cause of action has to be reckoned from the actual date when the grievance actually arose to a Government employee.

6. The matter being agitated before this Tribunal relates to the recommendation of the Third Pay Commission and the Fourth Pay Commission recommendations

(b)

also have become final and the Fifth Pay commission with Mr Justice Pandian of Supreme Court as Chairman along with three other members has also been constituted by Government of India as an expert body to revise pay scales of the Government employees including the armed forces. The Tribunal is not expected to sit in judgement over the recommendations of the expert bodies like the Third/Fourth Pay Commissions. If the applicant association feels that they have any grievance surviving to them in the light of the recommendations of the Third/Fourth Pay Commissions, they should approach the expert body like the Fifth Pay Commission for redressal of their grievances.

7. In the light of the above, we find that this application is highly belated and time barred and as such it is dismissed at the admission stage itself,


(B. K. Singh)
Member (A)

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(J. P. Sharma)
Member (J)