

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2014 of 1994

New Delhi, dated this the 5th JUNE

1998

(11)

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri R.K. Jain,
S/o Shri A.R. Jain,
R/o Q.P. 134, Pitam Pura,
New Delhi-110034.

..... APPLICANT

(By Advocate: Shri V.K. Garg)

Versus

1. Union of India through
the Secretary,
Human Resources Development,
New Delhi.

2. Govt. of NCT of Delhi,
through Director,
Directorate of Education,
Old Secretariat,
Delhi.

.... RESPONDENTS

(By Advocate: Shri Rajinder Pandita)

JUDGMENT

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant who filed this O.A. on 30.9.94, seeks the scale of Rs.150-320 w.e.f. the date of his appointment as Asst. Librarian (Rs.130-300) w.e.f. 2.11.63, with the benefit of subsequent pay revision and other consequential benefits.

2. At the outset we note that this O.A. is grossly time barred, and is hit by limitation as well as lack of jurisdiction under Sec. 21 (2)(a) A.T. Act which requires the grievance of applicant in respect of which application was made should have arisen by reason of any order made at

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any time during the period of three years immediately preceding the date of inception of the Tribunal.

(2)

3. As the Tribunal came into being on 1.11.85, the grievance in respect of which this application was made should have arisen by reason of any order made after 1.11.82, but in the present case, the order appointing the applicant as Asst. Librarian was issued on 2.11.63 which is much beyond the said period of three years immediately preceding the date of inception of the Tribunal.

4. Applicant has, however, contended that the alleged wrong fixation of pay constitutes a continuous cause of action. Reliance has been placed on 1988 (1) SCC 626 and 1995 (5) SCC 628.

5. Even if limitation were to be waived in L. Chandrakumar Vs. UOI JT 1997 (3) SC 589, the Hon'ble Supreme Court has held that the Tribunal has no authority to condone the limitation. Moreover the Tribunal cannot assume jurisdiction in a matter that lies outside its jurisdiction.

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6. In the result this O.A. is dismissed giving liberty to applicant to approach the competent forum for redressal of his grievance in accordance with law, if so advised. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S. R. Adige

(S. R. Adige)
Vice Chairman (A)

/GK/