

Central Administrative Tribunal
Principal Bench, New Delhi.

(7)

D.A.226/1989

New Delhi, This the 2nd Day of March 1994

Hon'ble Shri C.J. Roy, Member(J)

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

Shri R D Chaturvedi s/o Pt. Tulsi Ram Chaturvedi
r/o L-/208, Railway Colony, Kasgang,
Distt. Etah, U.P.

...Applicant

By Applicant in person

Versus

1. Union of India, through its Secretary
Ministry of Railways, Govt of India
New Delhi.
2. Railway Board, through its chairman
Railway Bhavan, Rafi Marg, New Delhi.

...Respondents

By Shri KK Patel

O R D E R (Oral)

Hon'ble Shri C.J. Roy, Member(J)

1. This DA is filed by the applicant claiming the relief that respondent be directed to give all the benefits which are being received by his junior Shri Vijay Kumar Saxena. The facts of the case are the applicant first joined as Apprentice Mechanic and then he was appointed as Boiler Chargeman Grade C. The next promotion post was Boiler Chargeman Grade B and the mode of recruitment was seniority-cum-suitability as per recruitment rules. He further claims that Shri Vijay Kumar Saxena was also in the panel at serial No.5 on the list of promotees. Aggrieved by this, the applicant made a representation to the department and the respondents have upgraded his salary in the month of March 1972. After continuously paying the upgraded pay it was discontinued from Apr 1978. Then he made a representation to the department on a

...2/-

subsequent date i.e. April 1978 for which he received a reply on 27 Oct 1980 rejecting the request. Later on he made a request through Member of Parliament to the Railway Minister. The Railway Minister has also rejected his claim.

2. The applicant originally appointed a counsel to argue who is no more now. Therefore he filed a paper requesting permission to argue in person. The letter is taken on file and he is permitted to argue and he argued his case. After perusing the records we find that the delay condonation petition is also filed. We have seen the MA(CMP No.791/89). Reasons given in the MA are that there is no delay for filing the application and in case if there is a delay it may be condoned considering the rejection letter addressed by the Hon'ble Minister to the Hon'ble Member as order within the meaning of the Section 20 of the Administrative Tribunal Act. The issue to be considered is whether reply given to Hon'ble Members of Parliament on the basis of their letter should be treated as order passed by the competent authority on the basis of the representations presented by the aggrieved. In a democracy it is one of propriety to inform the elected representatives in regard to the problems brought by them and on that basis the same cannot be construed as a final order of the concerned authority while dealing with the representations of the aggrieved. The authorities including Hon'ble Ministers in -charge of the Department may reply to the elected Members even in cases where the matter is brought belatedly. Such replies cannot be treated as order as contemplated under section 20(2)(a) of the AT Act and hence 21(1)(a) is not attracted.

3. For the above reasons we are not condoning the delay and the delay condonation petition is dismissed at no costs. That apart, we have also no jurisdiction to entertain the case as the cause of action arose before 3 years prior to the transfer of jurisdiction to Central Administrative Tribunal on 1.11.85. The case is dismissed for lack of jurisdiction and limitation. No costs.

P. T. Thiruvengadam

(P.T. THIRUVENGADAM)
Member (A)

C. J. Roy
(C.J. ROY)
Member (J)

LCP