

8

Central Administrative Tribunal
Principal Bench, New Delhi.

....

Date of Decision : 16.2.1990

Regn. No. OA-1315/88

Shri Gulab Singh _____ Applicant

Vs.

UOI & Ors. _____ Respondents.

CORAM:

Hon'ble Shri B.C. Mathur, Vice-Chairman.

For the applicant : Shri Sant Lal, counsel.

For the respondents: Shri P.P. Khurana, counsel.

This is a case under Section 19 of the Administrative Tribunals Act, 1985 filed by Shri Gulab Singh, H.S.G.-II, Head Sorting Assistant Delhi Air Sorting Office, New Delhi against the orders of the Post Master(General), Delhi Circle dated 15.3.1985 and orders dated 27.3.89 by the D.G. P&T New Delhi (Annexure A-1 and A-II respectively) regarding non payment of arrears of pay and allowances on account of promotion with retrospective effect from 1.10.1968.

2. The case of the applicant is that officials similarly placed as himself and junior to him have already been given the arrears of salary and allowances as asked for by him but he has been denied the same which is arbitrary. In the Annexure A-1 to the application there are names of 14 officials who are deemed to have been promoted w.e.f. 1.10.1968. He is at Sl. No.6 in that list. All the officials from Sl.No.7 to 14 in this list have been given arrears of salary and allowances retrospectively.

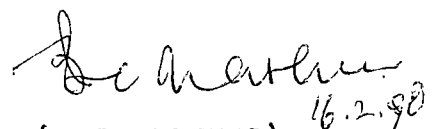
Br

3. The learned counsel for the applicant states that this case is similar to the case of Shri Amar Chand Vs. U.O.I. & Ors. (OA-1320/88) decided by this Tribunal on 9.12.1988 and Shri Ramanand Rajput & Another Vs. U.O.I. (OA-532/89) decided on 8.12.89 in all respects.

4. Shri Arun Kumar Sharma who appeared for Shri P.P. Khurana, counsel for the respondents stated that in this case the cause of action took place prior to 1.11.87 and as such this Tribunal has no jurisdiction to deal with the matter. He stated that the applicant kept quiet for 17 years without agitating his claim of arrears of pay and allowances w.e.f. 1968.

5. The question of limitation was discussed in OA-1320/88 decided on 9.12.88 where it was held that as the impugned orders were issued in 1985, the Tribunal could admit such applications on merit. If officials similarly placed have been allowed the relief, it would be proper and just to allow similar relief to the applicant as well.

6. In the circumstances, the application is allowed. The respondents are directed to pay arrears of pay and allowances to the applicant as if he had been regularly promoted on 1.10.1968. The payment should be made to the applicant within three months from the date of receipt of this order. Parties to bear their own costs.


(B.C. MATHUR)
VICE-CHAIRMAN 16.2.90