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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.194/88

NEW DELHI, THE 10TH DAY OF JANUARY, 1994.

MR. JUSTICE S.K.DHAON, VICE-CHAIRMAN (J)
MR. B.K.SINGH, MEMBER (A)

Dr. Hari Dev Goyal
S/o Late Shri A.R. Goyal
R/o E/6-B, MIG Flats,
Munirka,
Delhi-110067

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Applicant

(BY ADVOCATE SHRI GYAN PRAKASH)

vs.

Union of India through
Secretary,
Department of Economic Affairs,
Ministry of Finance,
Central Secretariat,
North Block,
New Delhi-110001.

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Respondents

(BY ADVOCATE SHRI P.P.KHURANA)

ORDER (ORAL)

JUSTICE S.K.DHAON:

MP No.106/91

Shri Gyan Prakash, learned counsel for the applicant states that MP No.106/91 is not pressed now. Accordingly, it is rejected.

2. The principal relief claimed by the applicant in the OA is that the respondents may be directed to sanction the Non-Functional Selection Grade to him with effect from 1.1.1986. On 19.10.1993, the applicant filed Misc.Petition No.3274/93 praying therein that the respondents may be directed to give him consequential benefits of Non-Functional Selection Grade with effect from 1.1.1986. It appears that way back on 7.8.1990, the Director(IES) issued a notification to the effect that the applicant had been granted the Non-Functional Selection Grade with effect from 1.1.1986 i.e. the date from which his immediate junior Dr.R.P.Sinha had been granted that grade. Thereafter, the applicant made a

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representation claiming therein the arrears of pay and allowances consequent upon his being conferred Non-Functional Selection Grade with effect from 1.1.86. The said representation was rejected and the orders of rejection were communicated to the applicant by the Senior Research Officer on 12.11.1990.

3. It is apparent that the principal relief claimed by the applicant in the OA was given to him on 7.8.1990. The amendment application having been filed at a very belated stage cannot be accepted. It is well settled that while considering the question of amendment, the question of limitation should also be examined and no amendment should be allowed so as to defeat a claim on the ground of limitation. However, we make it clear that it will be open to the applicant, if permitted by law, to file a fresh OA challenging the legality of the order dated 12.11.90 communicated by the Senior Research Officer. In view of the fact that the applicant has got the relief which he had claimed, during the pendency of the OA, no orders are necessary now. The OA is disposed of accordingly. There shall be no orders as to costs.

(B.K. SINGH)
MEMBER(A)

(S.K. DHAON)
VICE-CHAIRMAN(J)

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