

V

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. No. 1936/88.

Decided on 2-2-91

T.C. Saxena

....Applicant.

Vs.

The Union of India through  
General Manager, Northern Railway,  
Baroda House, New Delhi.

....Respondent.

CORAM: HON'BLE MR. B.S. SEKHON, VICE CHAIRMAN.

HON'BLE MR. P.C. JAIN, ADMINISTRATIVE MEMBER.

Present: Shri J.K. Bali, Advocate for the Applicant.

Smt. Shashi Kiran, Advocate for the Respondent.

B.S. SEKHON

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The Applicant seeks direction to the Respondents to arrange payment of the officiating allowance for the period 6th October, 1978 to 1st September, 1981 during which period Applicant alleges to have officiated in grade Rs. 425-640. initially Applicant was/working as a Ticket Collector in the Eastern Railway. As per the averments made by the Applicant he was deputed to work as Conductor in the grade Rs. 425-640 with effect from 6.10.1978 by the Head Ticket Collector, Moradabad - his Controlling Officer. Vide Annexure A/2, the Head Ticket Collector had forwarded his claim for officiating allowance with the following remarks:-

"Verified and forwarded with the remarks that he has officiated as Conductor being seniormost."

Applicant has not so far been paid the officiating

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allowance for the aforesaid period despite several representations. Vide para 2 of impugned order dated 8.10.87 (Annexure A/1), it has been stated that there is no authority available that Applicant was allowed to officiate in grade Rs. 425-640 from 6.10.78 to 1.9.81.

2. Apart from raising the plea of limitation, Respondents have pleaded that Applicant had never represented that he had worked as Conductor in the aforesaid grade right upto the date of his retirement on 31.1.1987. Respondents have also refuted the assertion of the Applicant that Head Ticket Collector is his Controlling Officer.

3. In the rejoinder, the Applicant has more or less reiterated his case and has also enclosed copies of various representations made in this behalf.

4. After giving our earnest consideration to the arguments addressed at the Bar, pleadings of the parties and documents on record, we find that the plea of limitation raised by the Respondents is indeed a formidable plea. It is stating the obvious that cause of action for receiving officiating allowance arose to the Applicant on the last day of each month during which he had been officiating in the aforesaid grade. Limitation prescribed under the Limitation Act, 1973 has expired long back. It has also been consistently held in several pronouncements of this Tribunal that in view of the provisions of Section 21(2) of the Administrative Tribunals

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Act, 1985, Tribunal is not competent to entertain a claim on the basis of an order which was passed during the period anterior to three years prior to the establishment of the Tribunal i.e. prior to 1.11.1982. In view of the dictum of the Supreme Court in S.S. Rathore Vs. State of Madhya Pradesh AIR 1990 SC 10, para 2 of the impugned order referred to above does not assist the Applicant so far as the plea of limitation is concerned.

5. In the premises, the plea of limitation is sustained and we hold that the Application is not entertainable by the Tribunal. In fine, Application is hereby disposed of as not being entertainable. No costs.

Ce an  
( P.C. JAIN ) 1/2/1991  
ADMINISTRATIVE MEMBER

B.S. SEKHON  
( B.S. SEKHON )  
VICE CHAIRMAN

1-2-91

'MSR'