



**Central Administrative Tribunal
Principal Bench, New Delhi**

**M.A. No. 570/2020
OA No.29/2021
MA No.571/2020
MA No.45/2021**

This the 5th day of January, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

1. Civil Audit Association, Category-I
(Sr. Audit Officers and Audit Officers)
53, Arera Hills
Bhopal, Madhya Pradesh
Through M. Vinod Kumar,
S/o C.N.M. Panicker
R/o 88, Sector-B, Awadh Puri,
Piplani, Bhopal
Presently at New Delhi.
2. Prabhat Sharma
Senior Audit Officer, Group-A
Age 47 years
A-13A, Sarika Nagar, Thatipur
Gwalior, Madhya Pradesh.
3. R.K. Sharma
Senior Audit Officer, Group-A
Age 46 years
16, Gurunakpura, Near Capital Petrol Pump
Raisen Road, Bhopal, Madhya Pradesh.

.. Applicants

(Through Mr. Shrutanjaya Bhardwaj, Advocate)

Versus

1. Comptroller and Auditor General of India
9, Deen Dayal Upadhyay Marg
New Delhi-110124.
2. Accountant General (E&RSA), Madhya Pradesh

53, Area Hills, Hoshangabad Road
Bhopal, Madhya Pradesh-472011.

3. Accountant General (G&SSA), Madhya Pradesh
Audit Bhavan, Jhansi Road
Gwalior, Madhya Pradesh-474002.

4. Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
North Block, New Delhi-110001.

... Respondents

(through Mr. Shreesh Chadha, Advocate)



ORDER (Oral)

Justice L. Narasimha Reddy, Chairman:

This application is filed with a prayer to condone the delay of 770 days in filing the OA.

2. The 1st applicant is an Association of Category 1 (Sr. Audit Officers and Audit Officers) of the establishment of Comptroller and Auditor General of India (CAG), the 1st respondent herein. The applicants 2 & 3 are said to be the employees. They intend to file an OA claiming relief on 11 counts ranging from setting aside the order dated 13.06.2011 to the one of directing the respondents to grant the benefit of regular increment under Rule 13 of CCS (Revised Pay) Rules, 2008.

3. It is stated that a representation was made in relation to the order dated 13.06.2011, dated 13.11.2018 and that the same was rejected by the respondents on 29.01.2019. As regards other relief also, the applicant referred to the

information secured through an application under Right to Information Act, 2005. Reliance is placed upon the judgment of Hon'ble Supreme Court in Smt. Bhattacharya vs. 2013 (12) SC 489. It is also stated that the cause of action is continuous in nature and strictly speaking it cannot be said that there was any delay at all.



4. The respondents filed a reply taking an objection to the MA. It is stated that the OA is filed by an Association and the cause of action cannot be said to have accrued to it in the recent past. It is stated that the order of the year 2011 cannot be challenged at this length of time, that too by an association. They pleaded that mere filing a representation at a belated stage does not save the limitation. Other various grounds urged by the applicant are contradicted.

4. We heard Shri Shrutanjaya Bhardwaj, learned counsel for the applicant.

5. The delay is of 773 days. However, the ultimate challenge is to the orders dated 13.06.2011 and 22.09.2011. Nearly 9 years after the said orders were passed, the present OA and MA are filed. The delay is almost 9 years. The applicants no doubt have filed a representation on 13.11.2018 vis a vis the said orders. However, it is fairly well settled that mere filing of a

representation at a belated stage does not save the limitation, if it is otherwise barred.



6. It is true that the Hon'ble Supreme Court observed that the wrong fixation of the pay for an employee would lead to the recurring cause of action and the same can be said to have accrued every month, when the salary is paid on the basis of wrong calculation. It was observed that if the proceedings are initiated at a belated stage before a Court of Law, the employee can be denied the benefit of arrears. Here itself, a distinction needs to be maintained between a case of wrong fixation of the pay, contrary to the existing rules on the one hand and the one where the very rule or provision is challenged, on the other. While the former would be a redressal in favour of an individual, the latter would impact the entire organisation.

7. The law laid down by the Hon'ble Supreme Court applies to the individual employees who claim the relief as regards the fixation of pay, even at a belated stage. In the instant case, it is an association, that is claiming the relief. Interference with an order passed way back in the year 2011 at the instance of an association would virtually topsy turvy the entire organisation. The matters of this nature are required to be pursued with promptness. Stale and belated claim cannot be entertained at the instance of an association. It is a different matter that an

individual official can certainly approach the Tribunal complaining about the grievances as regards the fixation of pay.

8. We do not find any merit in the MA. It is accordingly dismissed and as a result, the OA is also not entertained.

All other MAs shall stand disposed of accordingly.



(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/sunil/jyoti/vb/