

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. NO. 18/86

.. Date of decision: 26.5.1992.

Sh. Narain Dutt Datta

.. Applicant

Counsel for the applicant
not present.

Versus

General Manager, Northern
Railway, New Delhi

.. Respondents.

Sh. K.N.R.Pillai

.. Counsel for the Respondents.

CORAM

HON'BLE SH.JUSTICE RAM PAL SINGH, VICE CHAIRMAN(J)
HON'BLE SH. HABEEB MOHAMMED, MEMBER (A)

JUDGEMENT(Oral)

Delivered by Hon'ble Sh.Justice Ram Pal Singh,Vice Chairman(J)

This is a case of 1986 and needs immediate disposal.

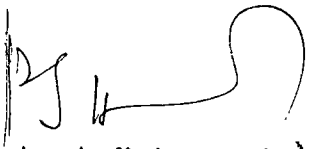
2. The learned counsel for the respondents has raised the preliminary objection that this OA is barred by limitation. He drew our attention to the prayer clause where the applicant seeks proper scale from the date of his promotion to Class-III job from Class-IV job in the year 1954 in the scale of Rs. 55-130. According to the pleadings in this OA, the relief sought is with regard to the year 1954, before coming into force of the Administrative Tribunals Act, 1985. The applicant could have obtained the remedy by filing a civil suit within 3 years from the date the cause of action arose. He could have also taken recourse to constitutional remedy by filing a writ petition under Article 226 of the Constitution of India. But the applicant did not seek the legal remedies and remained idle. The law of limitation though does not extinguish a right but debars from getting any relief.

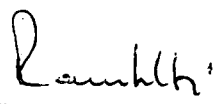
3. This OA was filed on 25.12.85 while the Administrative Tribunals Act came into force on 1.11.85, the period of limitation will not re-run from the date of coming into the force of the Administrative Tribunals act.

Lam. Hg.

4. Though, Shri Pillai, Counsel for the Respondents also argued on merits and contended that the applicant failed in the selections of December, 1957 and May, 1958, the applicant passed in the 3rd attempt in November, 1959 and was duly promoted, but the relief prayed for cannot be granted to ~~him~~ the applicant.

5. We are of the view that this OA is hopelessly barred by limitation. It is therefore, dismissed with no order as to costs.


(P.S. Habeeb Mohammed)
Member (A)


(Ram Pal Singh)
Vice Chairman(J)