(11)

CENTRAL ADMINISTRATIVE TRIBUNAL.
PRINCIPAL BENCH NEW DELHI.

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Date of decision: 20.1.1989.

Regn. No. O.A. 428/87.

Shri C.L. Chauhan ... Applicant.

Vs.

Director-General, P&T ... Respondents.

CORAM:

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

For the applicant: Shri Sant Lal, counsel.

For the respondents: Smt. Raj Kumari Chopra, counsel.

JUDGMENT

The short point in this case is that the applicant is senior to at least four of his colleagues, namely, Shri Madan Mohan Sharma, Shri S.P.Munjal, Shri Radhey Shyam Sharma and Shri Ramesh Chander Khurana, who have been allowed arrears of salary with effect from 1.10.1968 by the respondents vide orders passed by the P&T Circle on 10.6.1988 (Annex. A-1 to the Application).

2. The learned counsel for the respondents has raised certain preliminary objections in this case on the ground of limitation. She said that this Tribunal has held in two cases of Ram Lubhaya and N.C. Gandhi that no arrears of salary can be given on the basis of notional promotion and, as such, the applicant is not entitled to arrears of salary based on notional promotion. She also cited two cases (i) Surendra Mishra Vs. UOI & Ors. (ATR 1986(1) CAT 372) and Mangan Vs. Chief Security Officer and another (ATR 1986(1) CAT 247) saying that abortive representations would not bring the case within limitation. Even where fundamental rights are involved, the delay in making representations will not

(12)

bring the case within limitation. A representation is not statutory and, therefore, the representations by itself cannot extend the period of limitation.

3. The case of the applicant is that the respondents have paid arrears of salary to his juniors on the basis of the orders passed by this Tribunal on 11.1.1988 in O.A. No. 1018/87. The orders in that case were not challenged by the Deppartment. Since the juniors of the applicant are getting the advantage of arrears of salary, the same cannot be denied to him. The principles in this case would be covered fully by the judgment in the aforesaid case. The learned counsel for the applicant pointed out to the judgment of this Tribunal in A.K. Khanna & Ors. Vs. UOI & Ors. (ATR 1988(2) CAT 518) where it has been decided that the benefit of a judgment can be extended to those who were not a party to the judgment but were similarly placed.

4. In view of the fact that the juniors of the applicant have already been given the arrears of salary by the respondents, the application is allowed and the respondents directed to make payment of the arrears of salary due to the applicant with effect from 1.10.1968, within three months from the date of receipt of this order. There will be no order as to costs.

B.C. Mathur

(B.C. MATHUR)
Vice-Chairman.