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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 2313/92

DECIDED ON : 8.2.1993

P. C. Sharma

... Applicant

Vs.

Chief Secretary, Delhi & Ors.

... Respondents

CORAM : THE HON'BLE MR. P. C. JAIN, MEMBER (A)

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

None appeared for the applicant.

JUDGMENT (ORAL)

Hon'ble Shri P. C. Jain, Member (A) :-

None appeared for the applicant even though the case has been called out twice in its turn. This case is listed today for hearing on admission.

2. The applicant who is Superintendent, Directorate of Social Welfare, Delhi Administration, Delhi, has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1935 praying for the following reliefs :-

i) The applicant may be paid salary due w.e.f. 1.9.1988 to 3.8.1989 including the leave salary for the period from 13.2.89 to 12.3.89 and 4.6.1988 to 3.8.1989.

ii) The applicant may be paid a simple interest @ 12% per annum for the delayed period of the salaries of 11 months (1.9.88 to 3.8.89) as the applicant has to borrow money for his maintenance on exorbitant rate of interest from the friends and relations.

iii) The application may be decided in favour of the applicant with costs.

iv) Any other relief as admissible, deem fit and proper, by the Hon'ble Tribunal, may also be accorded.

2. It is contended by the applicant that he wrote a letter dated 24.10.1989 to Director, Social Welfare, Delhi, regarding sanction of leave and payment of salary for the period from 1.9.1988 to

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3.8.1989 (Annexure-I). It is further contended that he wrote about the same inter alia again by letter dated 11.5.1992. If the applicant's representation had not been disposed of within a period of six months from 24.10.1989, he should have filed the O.A. latest within one year on expiry of six months from 24.10.1989, i.e., by 23.4.1991. This O.A. was filed in October, 1992. The Registry has raised an objection that it is barred by limitation. His reply to the above objection that as he has been discriminated by non-payment of his salaries from 1.9.1988 to 3.8.1989 when the other officers in the same cadre got the salaries for the said period, there is a violation of Article 14 of the Constitution and hence, no limitation is applicable. We are not persuaded by this argument. The applicant's claim is limited to payment of salary for a particular period and not for payment of pay in the scale of pay admissible to a post on which he might be working but denied the pay of the post. This is a ~~share~~ money claim and violation of fundamental rights does not arise. It is also not a ~~continuous~~ cause of action. For the period after 3.8.1989 he is obviously getting his pay and allowances for the post on which he might have worked. Similarly, request for sanction of leave for the period for which he may have been away from duty is also not a ~~continuous~~ cause of action. In respect of claims of the applicant on both the points it is not a cause of action which arises from month to month. This O.A., therefore, is barred by limitation and is accordingly rejected as ~~such~~ not maintainable, under Section 29 (3) of the Administrative Tribunals Act, 1985.

Sharma
(J. P. Sharma)
Member (J)

Jain
(P. C. Jain)
Member (N)