

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No. 432/92. ... Date of Decision 5.5.93
Sh.Hira Lal ... Applicant
V/s
Union of India ... Respondents
and Others.

CORAM:

The Hon'ble Shri B.S. Hegde, Member (Judicial)

For the Applicant ... None

For the Respondents ... Shri J.C. Madan, Proxy
Counsel for Shri P.H.
Ramchandani.

(1) Whether Reporters of local papers may be
allowed to see the Judgement ?

(2) To be referred to the Reporters or not ?

J_U_D_G_E_M_E_N_T

[Delivered by Hon'ble Shri B.S. Hegde, Member (J)]

The applicant is aggrieved by the Office Order
dated 10th February, 1987, which is marked as Annexure 'A'
whereby the respondents restructured, re-categorised
and refixed the scales of pay of the House-hold
Establishment of Rashtrapati Bhawan.

2. The short point for consideration is whether

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the applicant is entitled to seek for higher emoluments on the basis of his past services etc. It is true that the applicant has made several representations seeking higher pay but without success. The respondents have rejected his prayer vide their letter dated 20th June, 1991 which is marked as Annexure 'B'

3. The case of the applicant is that he is a permanent employee in the House-hold Staff of Rashtrapati Bhawan and is working in the post of Head Marker Grade I in the Sports Service, in the payscale of Rs. 950-1500. He is seeking for the fixation of his pay in the scale of Rs.1200-1800.

4. As against that, the respondents contend, that since the applicant is not a Government servant and by virtue of re-structuring the house-hold staff of Rashtrapati Bhawan, they have extended benefits to all the staff working there. The house-hold establishment of the President establishment is a cadre peculiar to Rashtrapati Bhawan only and no comparison could be made with

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other establishment of the Government. Besides that, the restructuring was done at the behest of the then President, Giani Zail Singh. Initially, the post of Tennis Marker Grade I was re-designated as 'Head Marker' and the salary was raised as 950-1500 and the pay of the applicant was fixed in that grade. Therefore, no discrimination was made by the Secretariat in re-structuring the scale of the post of Head Marker. It is not in dispute that the scale of pay is for a post and not for an individual.

5. I have perused the pleadings of both the parties and heard the counsel. In so far as the factual averments made by parties, there is no dispute that the applicant do not get any legal right to assert that his pay should be fixed in the scale of Rs. 1200-1800. It is also true that he has not been discriminated in fixing his pay and as per designation allotted to his type of work, the respondents have fixed the pay accordingly. Though he has prayed for the quashing of the office order dated 10.2.1987 passed by the respondents, since the said order was passed with the concurrence of the then President of India, which is to be treated as

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applicable to all the staff members; as he has not been discriminated, such a plea is not tenable. His representation was duly considered by the competent authority but they could not accede to his request as there was no justification in the representation. The payscale has been fixed in accordance with the job requirements and responsibilities keeping in view all identical services in the ITDC, Railways and Civil Aviation etc. The applicant except stating that his pay should be fixed in higher scale nowhere stated that his legal rights have been violated.

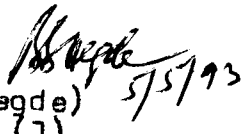
6. That apart, I notice that though he made representation in the year 1987 and he was informed by the authorities that his request cannot be acceded to. Nevertheless, he filed his application only in the year 1992. As a matter of fact, he should have approached this Tribunal within a period of one year from that date, i.e. 1987 not having done so, the application is clearly time-barred. The mere fact that he has made repeated re-peated representations will not give him extension of time in the matter of

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Refuge

limitation.

7. In the circumstances, I hold that this O.A.  is time-barred, besides devoid of merit and accordingly, I dismiss the same with no order as to costs.


(B.S. Hegde)
Member (J)