

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No. 85/92

Date of decision : 29.01.1993.

Sh. Mahesh Pal Applicant
Versus
Director of Printing Respondents
& Others

Coram:-

The Hon`ble Mr. P.C. Jain, Member(A)
The Hon`ble Mr. J.P. Sharma, Member(J)

For the applicant : Sh. O.P. Sood, counsel
For the respondents : Ms. Jasvinder Kaur, proxy
counsel for Sh. Jog Singh,
counsel.

JUDGEMENT(ORAL)

(delivered by Hon`ble Sh. P.C. Jain, Member(A)

The applicant who was a Copy Holder in the Government of India Press, Minto Road was transferred to Government of India Press, Ring Road, New Delhi as Reviser on ad hoc basis by memorandum dt. 5.3.1973. He was reverted as Copy Holder on 21.1.1977. He was again promoted as Reviser on 10.1.1979. An order was issued on 16.04.1986 (Annexure A-2) according to which the applicant's appointment on the post of Reviser was regularised w.e.f. 6.3.1973. It is in this background that the applicant has filed this O.A. under

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Section 19 of the Administrative Tribunals Act, 1985 praying for a direction to the respondents to grant him increments in the pay scale of the post of Reviser for the period from 20.1.1977 to 10.1.1979 and then refix his pay in the post of Reviser in the revised scale of Rs.1200-1800. He has also prayed for his fixation of seniority in the post of Reviser w.e.f. 6.3.1973 as also for payment of arrears of pay and allowances pursuant to the grant of increments and refixation of pay as aforesaid.

2. The respondents have contested the O.A. by filing their reply to which rejoinder has also been filed by the applicant. As the pleadings in this case were complete, it was decided with the consent of the parties to finally dispose of this O.A. at the admission stage itself. Accordingly, we have perused the material placed on record and have also heard the learned counsel for the parties, particularly on the maintainability of this O.A.

3. It is clear from the facts already adverted to above that the applicant is in fact challenging his reversion from the post of Reviser to the post of Copy Holder by an order dt. 21.1.1977. Unless his aforesaid reversion is quashed, he cannot get the benefit of any service in the higher post of Reviser for the period during which he was posted to the lower post of Copy Holder and he also worked on the lower post of Copy Holder. *Accordingly, the* Having relief, sought

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directly or indirectly, on the basis of challenge to the ^(C. order of 1977) aforesaid in O.A. filed on 10.1.1992 is not only hopelessly barred by limitation but ^{is also} outside the jurisdiction of the Tribunal in terms of provisions of Section 21(2) of the Administrative Tribunals Act, 1985 and as has also been held ^(C. 2) ^{including} in a number of judgements of the Tribunal "V.K. Mehra Vs. Secretary, Ministry of Information and Broadcasting ATR 1986(1) CAT 203."

4. The learned counsel for the applicant only contended before us that he is only seeking an implementation of the memorandum dt. 16.4.1986 by which the applicant's temporary appointment to the post of Reviser w.e.f. 6.3.1973 was regularised. Apart from the facts that even on this ground the relief prayed for by the applicant is barred by limitation, it may be mentioned that the aforesaid memorandum was modified by an corrigendum issued on 5.5.1987 by which it was notified that the date of regularisation of the applicant in the post of Reviser be amended to read as 10.1.1979(Forenoon). If the applicant was aggrieved by the aforesaid corrigendum, he should have agitated the matter within the limitation prescribed. Thus, this corrigendum cannot be assailed in O.A. filed in 1992.

5. In the light of the foregoing discussion this O.A. is not maintainable being barred by limitation and also

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for want for jurisdiction. The same is accordingly dismissed at the admission stage itself, leaving the parties to bear their own costs.

J. P. Sharma

(J.P. Sharma)

Member(J)

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Cec.

(P.C. Jain)

Member(A)

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