

(1)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 1261/93

DECIDED ON : 08.06.1993

DR. R. G. GOEL

...

PETITIONER

VS.

UNION OF INDIA & ORS.

...

RESPONDENTS

CORAM :

THE HON'BLE MR. I. K. RASGOTRA, MEMBER (A)  
THE HON'BLE MR. J. P. SHARMA, MEMBER (J)

Shri K. C. Gupta, Proxy counsel for Mrs. Sheela  
Goel, Counsel for the Petitioner

JUDGMENT (ORAL)

*Hon'ble Mr. I. K. Rasgotra, Member (A)*

The petitioner had filed an O.A. in the Tribunal (O.A. 1932/88) which was decided vide order dated 13.9.1990. The case of the petitioner was that one Dr. Sudha Rani who was junior to him was drawing higher pay. Dr. Sudha Rani joined service in October, 1970 and was fixed at Rs.1300/- on 1.6.1973 in the pay scale of Rs.1100-1800/-. The petitioner joined service on 11.5.1967 but his pay was fixed on 1.6.1973 in the same scale of pay at Rs.1200/-. After considering the matter, the Tribunal gave the following directions to the respondents :-

....Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi to decide the representation of the applicant within two months of the receipt of a copy of this order by passing a speaking order by sending a copy of the same to the applicant by registered post."

(L)

2

2. The petitioner was further given liberty to approach the Tribunal if he was still aggrieved by the disposal of his representation. The petitioner's representation was decided by the respondents vide order dated 5.12.1990 fixing his pay w.e.f. 1.6.1973 at Rs.1300/-, i.e., at the same level as Dr. (Kum.) Sudha Rani, another Specialist Grade-II officer of the CHS. The petitioner thereafter filed a representation on 24.12.1990. Para 2 of the said representation is extracted below :-

"When initially I made requests in this matter, I compared my case with Dr. Sudha Rani because she was a colleague in the same Department and her case came to my immediate attention. But, I was under the impression, that this problem will be examined in its totality and all the anomalies will be rectified...."

By the said representation the petitioner now compares himself with Dr. (Mrs.) Indira Behal, who retired as Professor of Anatomy from N.A.M. College and whose pay was fixed at Rs.1400/- on 1.6.1973. The present O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 on the basis that liberty was given to him to approach the Tribunal if aggrieved by the disposal of his representation. First of all we observe that the grievance of the petitioner does not arise from the disposal of the representation which was the subject matter in OA-1932/88, as while disposing of that representation the respondents have fixed his pay at Rs.1300/- with effect from 1.6.1973 which was his prayer in that O.A. That grievance,

2

therefore, cannot be said to subsist any longer. The present O.A. has been filed by him on the basis of paragraph-2 of his representation dated 24.12.1990, which has been extracted above. Having obtained the fixation of pay at the level at which Dr. (Kumari) Sudha Rani was fixed, he is now comparing himself with Dr. (Mrs.) Indira Behal, whose pay was fixed at Rs.1400/- on 1.6.1973. It is in this background that he has prayed for the relief that the respondents should be directed to decide his representation dated 24.12.1990 to refix his pay at the level at which Dr. (Mrs.) Indira Behal was fixed on 1.6.1973. He has also filed MP 1693/93 praying for condonation of delay. The principal ground adduced for condonation of delay is that the petitioner "has been continuously representing. After taking retirement, applicant has been out of India except for short visits and could not move the present application earlier."

3. We have considered the submissions made by the learned counsel for the petitioner and perused the O.A. First, in our opinion, this petition does not arise from the disposal of his representation which was directed to be disposed of in our directions in OA 1932/88. Secondly, the petition is barred by limitation and the reasons given for condonation of delay are not convincing. Thirdly, he has not prayed for any substantive relief in the present O.A. Lastly, the same issue has been agitated by him in OA 1932/88

2