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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.232/93
M.P.288/93

Date of decision: 29.01.1993.

Shri Hari

versus

...Petitioner

Union of India

...Respondents

CORAM :-

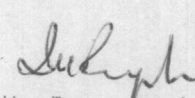
Hon'ble Mr I.K. Rasgotra, Member (A)

For the petitioner : Shri L.C. Rajput, Counsel
For the Respondents : None.

O R D E R

This case raises identical issues of law and of facts as have been decided in O.A No.229/93 in the case of Shri Kushi Ram V/s Union of India rendered on 29.1.1993.

Folloiwing the said decision in the case of Shri Kushi Ram V/s Union of India this case stands concluded in accordance with decision in the above mentioned O.A. Accordingly O.A 232/93 is dismissed at the admission stage as barred by limitation under Section 21 of the Administrative Tribunal Act, 1985.


(I.K. Rasgotra)
Member (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH : NEW DELHI

O.A. No.229/93

Date of decision : 29.1.1993

M.P. No.285/93

Shri Kush Ram

...Petitioner

Versus

Union of India through
The Secretary, Ministry of Defence
South Block, New Delhi.

...Respondents

CORAM :-

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

For the Petitioner :

Shri L.C. Rajput

JUDGEMENT (ORAL)

Heard. Petitioner is working in Defence Industrial Canteen in Solid State Physical Laboratory / Delhi (SSPL for short) as bearer. All employees working in Defence Central Canteen were declared as Government servants with immediate effect vide Order dated 25th July, 1981 read with subsequent letter dated 9.12.1981 (Copy not placed on record) w.e.f. 20.10.1980. The pay scales in which petitioners were to be fixed were identified and communicated vide Ministry of Defence letter dated 21 September, 1982. The petitioner being a bearer in canteen was eligible for fixation of pay in the pay scale of Rs.196-232. The pay of the petitioner was to be fixed in the new scale at appropriate stage in accordance with the existing rules. The grievance of the petitioner is that his pay was fixed at Rs.196/- in the new pay scale w.e.f.

22.10.1980 while he was drawing pay of Rs.205/- per month before he was declared a Government servant.

He has explained that his basic pay was Rs.205/- consisting of basic pay Rs.70+Rs.135 as ad hoc increase. The

ad hoc increase amounting to Rs.135/- were sanctioned according to the petitioner vide order dated 4.1.1974, 23.4.1975, 11.10.1977, 22.3.1979 and 01.4.1980. The

learned counsel for the petitioner submits that all these ad hoc increases were to be treated as pay for all purposes. The petitioner has filed a copy of the

letter issued by the Government of India on 01.4.1980 according to which bearers were entitled to payment

of ad hoc increase of Rs.29.50 in a 'A' Class city w.e.f. 01.04.1980. The said ad hoc amount was to be

treated as pay for all purposes. The copies of the orders issued on earlier three occasions have not been annexed.

Be that as it may, the basic issue at this stage is the limitation. It is observed from record

produced by the petitioner that he did not even choose to represent against his lower fixation of pay by the

respondents till 20.8.1990 when for the first time he addressed a petition to the Director SSPL. This

was followed up by a subsequent representation dated 13 July, 1992 and a subsequent undated notice under Section

80 C.P.C. Thus, for almost a decade, the petitioner did not represent his grievance even to his controlling

authority. The first obstacle which the petitioner

has to cross, therefore, is that of limitation. At this point the learned counsel for the petitioner Shri L.C. Rajput prayed that the case be passed over to enable him to collect citations to support his view that the matter was within the limitations or is not barred by limitation.

Accordingly, the case was passed over for some time. At a later stage when the matter was taken up, Shri Rajput stated that the case is not barred by limitation and for this purpose, he relies on the judgement of the Tribunal in Tota Ram Sharma V/s Union of India reported in Judgement 1990 (2) ATLT (CAT) 168. I have perused the Tota Ram Sharma (Supra) case carefully and am of the opinion that it does not help the petitioner. There is also no other material except as observed in preceding paragraphs produced by the petitioner to justify condonation of delay as prayed for in accompanying M.P. No.285/93. In my opinion the petitioner has failed to adduce sufficient justification for not representing to the respondents nor agitating the matter in the appropriate forum at the appropriate time for refixation of his pay w.e.f. 22.10.1980.

In the above facts and circumstances of the case, I am of the view that the O.A. is barred by limitation under Section 21 of the Administrative Tribunal Act and deserves to be dismissed at the admission stage itself. Ordered accordingly. No costs.

(I.K. RASGOTRA)
MEMBER (A)