

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA No.981/93
MP 1294/93
Shri Hukam Chand

Date of decision: 13.05.1993.

...Petitioner

Versus

Union of India & Others

...Respondents

Coram: The Hon'ble Mr. I.K. Rasgotra, Member (A)
The Hon'ble Mr. J.P. Sharma, Member (J)

For the petitioner

None

Judgement(Oral)
(Hon'ble Mr. I.K. Rasgotra)

On 7.5.1993 when the case was taken up the petitioner appeared in person and prayed for adjournment to 10.5.1993. On 10.5.1993 the case was not reached and was listed on 11.5.1993. On 11.5.1993 none appeared and the case was directed to be listed on 13.5.93. Today again neither the petitioner nor his counsel is present. A perusal of the application shows that the petitioner is aggrieved by the order dated 23.6.1992 wherein the petitioner's representation for stepping up of his pay with reference to the pay drawn by one Shri Chet Singh has been rejected. The order states that "Shri Hukam Chand was appointed on 11.6.45 but the increment granted to the individual as per his date of birth at that time. Further Sh Chet Singh was re-classified as messenger wef 15 Jun 49 whereas Sh Hukam Chand was re-classified as messenger wef 15 Aug 49. Keeping in view the above seniority as messenger, Sh Chet Singh was promoted as Daftry wef 2.6.90 whereas Sh Hukam Chand was promoted as Daftry wef 1.6.91."

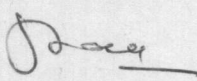
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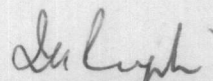
Aggrieved by the impugned order the petitioner has prayed that the respondents may be directed to accord promotion w.e.f. 1.6.1990 and payment of difference in pay of the applicant and that of Shri Chet Singh w.e.f. 1948 be allowed for the period June 1948 till the date of his superannuation. The petitioner retired on superannuation on 30.6.1992.

2. It is apparent from the orders of the respondents that the relief prayed for is not sustainable as the difference in the seniority had arisen consequent to the reclassification of the petitioner as messenger w.e.f. June 1948 whereas Shri Chet Singh with reference to whom the stepping up is claimed was reclassified w.e.f. 15.6.49.

3. In the above circumstances, the relief prayed for cannot be granted to the petitioner as the same is time barred under Section 21 of the Administrative Tribunals Act, 1985. The O.A. is accordingly dismissed. No costs.

4. MP 1294/93 annexed to the O.A. is in regard to the condonation of delay in filing the O.A. which took place due to the objections having been raised by the Registry and their removal. Since the relief prayed for, as adverted to earlier, is of 1948 and the cause of action also related to the year 1949 the MP does not change the complexion of the O.A. in any manner. The same is also dismissed.


(J.P. SHARMA)
MEMBER(J)


(I.K. RASGOTRA)
MEMBER(A)

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