

central Administrative Tribunal, Allahabad,
Registration O.A.No.361 of 1987

Chandan Lal and 67 others

Applicants

Vs.

Central Ordnance Depot
Kanpur and others ...

Respondents

Hon. D.S.Misra,AM
Hon. G.S.Sharma,JM

(By Hon. G.S.Sharma,JM)

The applicants have been working as Tailors in the Central Ordnance Depot (in short COD) Kanpur from before 1964. Their grievance is that according to the report of the IIIrd Pay Commission and the clarification made by the Expert Classification Committee (in short ECE) to remove the anomalies in the report of the said Commission, they are entitled to get the pay scale of Rs.260-400 w.e.f.15.10.1981.

It is also alleged that the Tailors in the various other departments of the Government of India are getting this pay while the pay paid to the applicants is much less and as such, there has been an undue discrimination against them. They accordingly filed this application under Section 19 of the Administrative Tribunals Act (hereinafter referred to as the Act XIII of 1985) for being given the pay scale of Rs. 260-400 w.e.f.15.10.1981.

2. At the time of hearing the learned counsel for the applicants at the admission stage, we asked him to satisfy us as to how this application is within limitation prescribed by Section 21 of the Act XIII of 1985. The contention

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of the learned counsel was two-fold ; first, in a case of discrimination, there can be no question of limitation for knocking the doors of the competent Courts or Tribunal and this Tribunal should not be a party to the undue discrimination against the applicant, and second, the recognised Federation of the applicants had made a representation to the Additional Secretary, Ministry of Defence, New Delhi on 2.8.1986 regarding this undue discrimination and the Ministry of Defence had issued a letter on 25.4.1986, annexure 6, again making a discrimination that the Tailor trainees should be semi-skilled for a period of two years whereafter they would be given skilled grade as per ECE recommendation. It was also contended that some Tailors have filed writ petitions in the High Court for the same relief and the same have been received from there on transfer and this application should be considered on merit.

3. We have carefully considered the contentions raised on behalf of the applicants but find ourselves unable to agree with the same. In the meantime, IVth Pay Commission has given its report and this petition is silent about it. The report of the IIIrd Pay Commission is now a closed chapter. The ECE was appointed in January 1979 and its report became effective from 15.10.1981. There is nothing in the petition to show that before filing this petition, the applicants or any of them ever made

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any representation for getting the pay scale claimed in this petition. The representation dated 2.8.1986 copy annexure 7 made by the Indian National Defence Workers Federation to the Additional Secretary is a general type of representation without making a specific allegation about the Tailors of COD Kanpur and in our opinion, this cannot be taken to be a representation made by the applicants for exhausting their departmental remedies before approaching this Tribunal. We are, therefore, of the view that neither this representation extends the period of limitation nor serves the purpose of exhausting the departmental remedies on the part of the applicants. The order dated 25.4.1985, copy annexure 6 aforesaid, does not give any cause of action to the applicants as they completed more than 2 years much before this letter was issued and even from the date of this letter, ~~therefore~~, the petition is very much belated. We do not agree with the contention that in ^a case of discrimination, there is no period of limitation. It may be so in ~~a case~~ ^{respect} of writ petitions provided by Art. 226 of the Constitution but in case of an application under Section 19 of the Act XIII of 1985, a petition has to be filed within the period prescribed by Section 21 of the said Act. In our opinion, the pendency of the writ petition for similar relief by other Tailors cannot be a ground to admit this petition.

4. In view of the above discussion, the petition is dismissed summarily at admission stage.

Shm
29.4.1987
MEMBER (A)

Sharma
29.4.1987
MEMBER (J)

Dated 29.4.1987
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