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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH.

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(Registration O.A. No. 979 of 1987)

Khim Singh.....Applicant

Vs.

Director, Indian Veterinary Research
Institute, Izzatnagar (Bareilly), Mukteshwar,
& Other.....Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

The applicant who joined the department as a Class-IV employee seeks the relief that he should be designated as X-Ray Radiographer in the pay scale of Rs. 330- 560. He states that after proper selection and undergoing training he was appointed as a X-Ray Radiographer which is at Mukteshwar, a place in the District Nainital in hill region where nobody was prepared to go. Yet he was deprived of the correct designation and in any case the pay scale of X-Ray Radiographer. The applicant continued to work allegedly as X-Ray Radiographer and made representations after representations for being designated as X-Ray Radiographer on the technical side and the pay scale which persons like him were to get or getting elsewhere.

2. The representation of the applicant was rejected in the year 1978, but the applicant who did not lose any hope again approached the Government on the said representations. His representation was rejected in the year 1984 also. even then like a crusader he went on making representation after representation, but no reply to the representations was given and ultimogely he approached this Tribunal for the desired relief.

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3. The respondents have put in appearance and opposed the application stating that the same is barred by time and further the applicant was promoted to the post of higher grade i.e. Supporting Staff Grade-IV (X-Ray Radiographer) from 17.7.1978 in the pay scale of Rs. 225 - 300 and which was later on revised to Rs. 825 - 1200 in pursuance of Fourth Pay Commission Report.

4. The Respondents have stated that there was no post of X-Ray Radiographer and the applicant cannot claim to have been appointed on the said post or being designated as such and being deputed to technical side. The applicant's representation was rejected in 1978, the other one was rejected in 1984. Both these representations were rejected prior to coming into force of the Administrative Tribunals Act.

5. Thus the applicant wants to reopen a closed chapter before coming into force of the said Act and this is precisely a plea which has been taken by the respondents. It is clear that because the applicant filed a representation thereafter that would not extend the period of limitation under this Tribunals Act under Section 20.

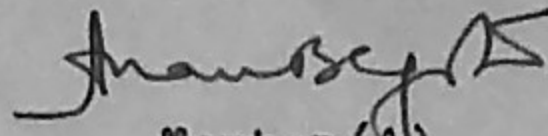
6. Accordingly this application deserves to be dismissed on the ground of limitation. However, the hands of the Government are not tied. It is for the Government even now to consider the plea raised by the applicant and in case the Government is convinced or has changed its stand, the Government can even now grant any relief, which he may be entitled to or which he deserve.

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7. With the above observations, the application is dismissed but there is no order as to costs.


Member (A)


Vice-Chairman

6th September, 1991.

(sph)