

Central Administrative Tribunal, Allahabad.

Registration O.A.no.800 of 1988

Raj Kumar Mangharam Motwani ... Applicant

Vs.

Union of India and others ... Respondents.

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

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

In this petition u/s.19 of the Administrative Tribunals Act XIII of 1985 (hereinafter referred to as the Act), the applicant has prayed that he be granted notional seniority in the grade of Grinder Special from retrospective date of his gradation ~~with~~ ^{and} grant of consequential benefits and to remove the anomalies so as to bring him at par with those who were assigned the similar valuation at various stages of examination/tests.

2. It is alleged by the applicant that he was recruited as Trade Apprentice Trainee on 2.1.1967 in Ordnance Equipment Factory, Kanpur and on being selected for advance training of 2 years he completed the same on 31.12.1969 and was transferred to Ordnance Factory Kanpur for journeymanship course of one year from 1.1.1970 to 31.12.1970 and after completion of that training he was graded as Grinder 'A' and placed in the scale of Rs.125-155. His grievance is that considering his performance during the training and the pay scale granted to his other batch mates, who had secured the similar grading, ^{but} ~~they~~ were granted higher pay scales of Rs.140-180 and 150-180, and in this way, there was undue discrimination against him. He has accordingly prayed for a higher grade with retrospective effect and consequential

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benefits.

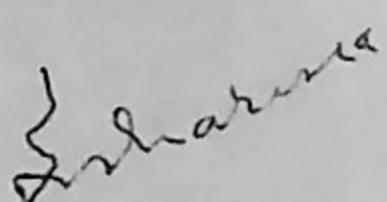
3. On the own showing, the applicant has been representing his case from 21.4.71 to the higher authorities but his grievance was not redressed. Annexure A to the petition filed by the applicant is the reply dated 6.3.1972 of the General Manager Ordnance Factory Kanpur to the applicant informing him that the relevant papers in connection with his gradation results were duly rechecked by the Director General of Ordnance Factories and it was found that the applicant was correctly categorised as Grinder 'A' on his performance. In this way, final reply was given to the applicant by the highest officer of his Department on 6.3.1972. The applicant thereafter did not loose hopes and made further representations. Annexure 'P' to the petition is the letter dated 2.11.1987 of the Dy.General Manager Ordnance Factory to the Joint Director General of Ordnance Factories, Calcutta by which she had invited the attention of the authorities to a D.O letter of her office with which the representation of the applicant was forwarded regarding his grade on 24.1.1986 and no reply to it was received. The contention advanced before us on behalf of the applicant is that this letter shows that the authorities are still considering the matter of the applicant and his case was also recommended by the Dy.General Manager through this letter. A careful scrutiny of this letter shows that there was no recommendation from the Dy.General Manager for giving any benefit to the applicant in this letter. The letter simply shows that the representation, which was forwarded with the d.o.letter dated 24.1.1986, was in respect of some anomalies regarding awarding of grade after completion of jour-

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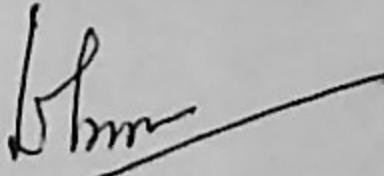
neymanship training. In any case, even if this letter may be read as a letter of recommendation, it will not save the case of the applicant from the rigour of limitation.

4. According to the own case of the applicant, he was placed in a wrong grade after the completion of his training on 31.12.1970. The grading was re-examined and rechecked by the Director General and the applicant was informed as early as 6.3.1972 that he was correctly categorised. His representation was thus refused in March 1972 and in case he was not satisfied with that reply he should have approached the competent Court of law within the period of limitation and the present petition filed by the applicant on 21.6.1988 is, thus, clearly barred by the law of limitation prescribed by S.21 of the Act.

5. The petition is accordingly dismissed as time barred in limine.



MEMBER (A)



MEMBER (J)

Dated: Feb. 13, 1989
kkb