

A2
1

(S 361
44)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
BENCH, ALLAHABAD.

(9)

O.A. No.902/89

Chandrika Prasad Srivastava ::::: Applicant

Vs.

Union of India & Others ::::: Respondents

Hon'ble Mr. A.K. Sinha, Member (Judl.)

Hon'ble Mr. V.K. Seth, Member (Admn.)

(By Hon'ble MR. V.K. Seth, A.M.)

In this application the applicant has prayed for issue of directions to the respondents to pay him salary in the scale of Rs.2000-3500/- and the arrears of difference of pay of pay scale of Rs.1400-2600 and Rs.2000-3500 for the period the petitioner worked i.e. 26-9-86 to 31-8-1988 in the Central Administrative Tribunal, Allahabad Bench, Allahabad.

2. The respondents have opposed the claim of the applicant.

3. The brief facts of the case are that the applicant was working as Bench Secretary ^{in the} High Court of Allahabad and retired in the said capacity on 28-2-86. He was re-employed by the respondents on the post of Court Master w.e.f. 26-9-86 vide order dated 12-2-87. The re-employment of the applicant was further ^{vide order of 26-9-87} extended by one year as Court Master ^u and he finally retired on 31-8-88. The applicant made a representation to the Hon'ble Chairman, Principal Bench, New Delhi, on 31-10-1988 that though he was re-employed as

Wp

.....2

Court-Master, he was assigned and performed the duties of Court Officer and as such he may be paid the salary in the pay scale which the Court Officer is entitled for. The said representation of the applicant was rejected on 25-8-89. Being aggrieved by the said decision, the applicant has come up before this Tribunal.

4. In his application the applicant has, inter-alia, contended that under the scheme framed by the respondents vide their G.O. dated 29/30-9-86 (Annexure-II), ~~the~~ retired personnel could only be re-employed to the post of Court Officer/Stenographers and not as Court Master. He also asserts that his services after re-employment were utilised for the post of Court Officer and he was never assigned the work of Stenographer/Court Master. He, therefore, contends that he should have been appointed to the post of Court Officer in the pay scale of Rs.2000-3500, but the respondents arbitrarily appointed him as Court Master in the pay scale of Rs.1400-2600 while taking the work of Court Officer in the pay scale of Rs.2000-3500. The applicant has ^{also} alleged violation of Articles 14 & 16 of the Constitution of India, by the respondents.

5. The respondents in their counter state that the applicant not only accepted the post of Court Master on the terms and conditions offered, but also actually performed duties of the Court Master without any reservation. They also state that the formal order for re-employment of the applicant was issued



on 12-2-87 and, therefore, the cause of action had arisen on that date and the application is barred by limitation. The respondents have also cited P.R. 49 in support of their contention.

6. We have carefully gone through the records of the case and given our anxious consideration to the arguments advanced by the counsel for the parties.

7. Admittedly the formal order of appointment of the applicant as Court Master was issued by the respondents on 12-2-87 while this application has been filed by the applicant only on 17-10-89 i.e. well beyond the limitation period. It is also noticed that during the entire period of his re-employment as Court Master i.e. 26-9-86 to 31-8-88, the applicant did not raise any objection regarding the terms and conditions of his appointment in relation to the duties assigned to him. Therefore, it is obvious that he willingly agreed to the same. We are, therefore, of the view that both on the ground of limitation and for the reason of acquiescence of the applicant this application deserves to be rejected and accordingly the same is dismissed. In the facts and circumstances of the case, there will be no order as to costs.

MEMBER (ADMN.)

MEMBER (JUDL.)

Dated: 8/3/1994

(tgk)