

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD
?.....

Original Application No. 561 of 1992

Moti Ram Applicant
Versus
Union of India & others Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, A.M.

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

who has
The applicant ~~was~~ retired as Manager Grade II from
E.S.I. corporation, ~~and~~ was promoted from U.D.C.
to the post of Head Clerk in the year, 1979. He
joined the post at Manu-Nath-Bhanjan on 2.4.1979.
According to him the increment was due on 1.4.1979

but applicant was not given the benefit of fixation
of pay under fundamental Rule 22 (c) on the promotion
from U.D.C incharge to Head Clerk Cum- Manager Grade
III as the Head Clerk Cum-Manager Grade II was higher
responsible post as the applicant had to manage
the Mini Local office and was self drawing officer.
The applicant has made a representation in this behalf
but his representation was not accepted and reply was
given to the applicant that this pay has not been fix-
ed ~~to~~ correctly. The applicant,, it appears kept mum
and higher authority of the Department has already
refused to grant the relief to him. Subsequently it
appears that the applicant retired on 30.6.1989 that
the similar matter of same department was agitated
before the Bangalore Bench of this Tribunal, which
was decided ~~vide~~ *vide* judgement dated 26.5.1987
in O.A. No. 67 to 69 /87 & 78/87 and the application

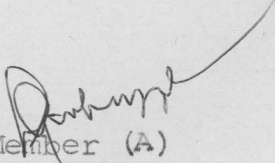
allowed giving referenc~~e~~ about the same after retirement of the applicant and the applicant had filed representat-
ion before the authorities.


2. The respondents have put in appearance to oppose~~d~~ the claim of the applican~~t~~ that the application is barred by time, as the representation has already been rejected in the year 1980.

3. Learned counsel for the respondents contended that the cause of the action arose in the year 1980 ^{which} before the Tribunal was born and this Tribunal, ^{as} thus no jurisdiction to entertain~~ed~~ this application. The contention has got to ^{be} accpeted that the application is barred by time, ~~the Bangalore Bench of the Tribunal.~~ ~~In these circumstances the application after six years~~ . In the instant cases the application has been moved after seven years and on the ground of limitation, app-
lication has got to be rejected. However, in view of the faef that the Government is a welfare state no one should be discriminated and should be protected under article 39 (d) of the constitution of India and a duty is enjoined ^{work} upon, ^{pages} the Govt. to pay equal pay for equal ⁱⁿ and no one should be deprived of the same. ^{to} welfare sta-
te the Government is Custdiaon of the welfare of the employees. It is in the fitness of the things that no one should discriminated. However ^{with} that the direction the case of the applicant for equal pay may be considered

~~_____~~

again, if the applicant makes a representation within a three weeks the application is otherwise dismissed. No order as to costs.


Member (A)


Vice-Chairman

Allahabad

Dated : 15/2/93

(g.s.)

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*C.R. Soli - P.K. Asthana, Advocate,
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To, G.P.

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