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Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Dated: 5/4/1995

Original Application No. : 216 of 1994

Mohd. Ayub Khan,
S/O Late Mohd. Azim Khan,
Section Tool Room Ticket No. 143,
Personal No. 005412
Small Arms Factory, Kanpur.

..... Applicant.

By Advocate Shri L.S.Srivastava
Shri P.K.Kashyap

Versus

The Union of India & Ors.

..... Respondents.

By Advocate Shri Ashok Mohiley

* * * *

C O R A M

Hon'ble Mr. S.Das Gupta, Member-A
Hon'ble Mr. J.S.Dhaliwal, Member-J

O R D E R

By Hon'ble Mr. S.Das Gupta, Member-A

This application has been filed under Section 19 of the Administrative Tribunal's Act, 1985 praying for the relief of a direction to the respondents to extend to the applicant the benefit of the decision of both the Calcutta Bench and the Allahabad Bench of the Tribunal in respect of the applicants who filed

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Original Application Nos. 951/1989 and 810/1989 and to give to the applicant appointment in Grade 'B' w.e.f. his initial appointment on 16.12.1970 with all consequential benefits.

2. The applicant, after passing his High School Examination in 1956, completed diploma course in Craftsmanship from the Industrial Training Institute, Kanpur in 1959. He was appointed in Grade 'C' Tool Gauge Fitter on 16.12.1970. The applicant claims that on the basis of diploma, acquired in 1959, his initial appointment should have been in Grade 'B' instead of Grade 'C' for which he claims to have repeatedly made oral representation. He claims that, had he been appointed initially in Grade 'B' at the time he would have been at much higher grade today and would have been working as a Chargeman Grade-I since 1981. It has been further averred that under similar circumstances, Shri R.P.Sharma and Others filed O.A. No. 951/1989 and Shri R.K.Srivastava & Others filed O.A. No. 819/1989 before the Allahabad Bench of the Tribunal to be given the same benefit as was given to the applicants in T.A. No. 1246/1986 and T.A. No. 1361/1986 filed before the Calcutta Bench of the Tribunal and that the Allahabad Bench allowed these applications. The applicant has, therefore, claimed that he should also be given similar benefit.

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3. The respondents have filed a Counter Affidavit stating that this application has been filed so many years after he was initially appointed and during this period, applicant never challenged his initial appointment in Grade 'C' semi skilled post and the present application should be dismissed on this ground alone. They have further stated that the decisions of the Calcutta Bench of the Tribunal in T.A. No. 1246 & 1361 of 1986 relate to the upgradation in the trade of Grinders and the decision in those cases has no application to the case of the present applicant.

4. The applicant has filed a Rejoinder Affidavit reiterating the various contentions made in the Original Application.

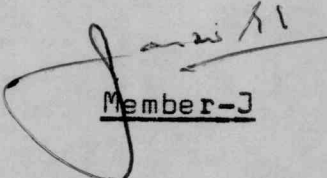
5. The applicant was admittedly appointed on completion of training in the Small Arms back Factory as far/as in December, 1970. Though the applicant has claimed to have made representations he has stated that all these representations were oral. There is no proof that any such representation was made. After a lapse of so many years he has filed this application. Even if the applicant had a good case on merit the same would have been dismissed on the ground of delay and laches. No Court or Tribunal can come to the assistance of a person who slumbers over his legal right. Moreover, in the present case, we find no merit whatever. No rule has been quoted


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before us which would make it obligatory for the respondents to employ the applicant in Grade 'B' instead of Grade 'C'. The applicant had made very vague submissions regarding discrimination without laying any foundation whatever for such an allegation. Lastly, the pathetic attempt made by the applicant to seek benefit of the decisions of the Calcutta Bench of the Tribunal in T.A. No. 1246 & 1361 of 1986 or of the Allahabad Bench of the Tribunal in O.A. No. 951 & 810 of 1989 is like the effort of a drowning man to clutch at a straw. The decisions in these cases are with regard to the pay scale of Grinders of entirely different considerations and have no relation whatever to the case of the applicant.

6. The application has no merit whatever and it also suffers from laches and delay. The application is therefore, dismissed. As the application is totally frivolous, we would award to the respondents, Rs. 500/- as costs.


Member-J


Member-A

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