

(6)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

• THIS THE 30TH DAY OF AUGUST, 2001

original application no.790 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER(A)

Sukhi Ram, son of Sri Mangal prasad

R/o Village Jangal Matadin,

Post Padari Bazar, District

Gorakhpur.

... Applicant

(By Adv: Shri B.Tewari)

Versus

1. Union of India through
The General manager, N.E.
Railway, Gorakhpur.
2. Chief Electrical Engineer
N.E.Railway, Gorakhpur.
3. Chief Works Manager(Workshop)
N.E.Railway, Gorakhpur.

... Respondents

(By Adv: Shri A.Tripathi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

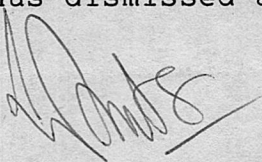
By this application u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the respondents to pay salary to the applicant @ Rs.580/- as Head Clerk in the scale of Rs.425-700 w.e.f. 30.5.1985 and further to pay salary @ 2300/- as Office Superintendent grade-1 in the scale of Rs.2000-3200 w.e.f. 1.9.1991 till 30.9.1997 when applicant retired from service.

The case of the applicant is that Ram nath Singh who was junior to the applicant was being paid higher salary in both the aforesaid post of Head Clerk and O.S. Gr.1.

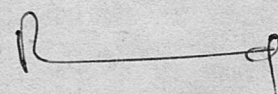
and thus stepping up was necessary to avoid injustice to the applicant which was not done. From the averments made in the application it is clear that the cause of action of the applicant arose in 1985 and 1991. this OA has been filed on 17.7.2000 i.e. after 15 years in case of first cause of action and after 9 years in case of second cause of action. The applicant retired from service on 30.9.1997, even after retirement this application has been filed after about more than two years.

The learned counsel for the applicant has submitted that as fixation of pay was a recurring cause of action held by Hon'ble Supreme Court in case of 'M.R.Gupta Vs. Union of India and Others, (1995) 5 SCC pg-628. the application cannot be ^{not barred} ~~turned~~ to be time barred as applicant is entitled for relief. We have examined the aspect of the case. However, we do not agree. It could be said to be a recurring cause of action till salary was paid to the applicant ^{but it} ~~and~~ after retirement salary has not been paid to the applicant, ^{if} ~~The~~ recurring cause of action has also come to an end. Even ^{if} ~~limitation~~ is calculated from the date of retirement, this application is highly time barred and cannot be entertained.

The OA is thus dismissed as time barred. No order as to costs.



MEMBER (A)



VICE CHAIRMAN

Dated: 30.8.2001

Uv/