

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

O.A.NO. 453/93

~~T.A.NO.~~DATE OF DECISION 3.01.1997Radhakant Goswani PetitionerMr.G.R.Malhotra Advocate for the Petitioner [s]
VersusUnion of India & Ors. RespondentMr.A.S.Kothari Advocate for the Respondent [s]

CORAM

The Hon'ble Mr. K. Ramamoorthy : Member (A)

The Hon'ble Mr. A.K. Mishra : Member (J)

JUDGMENT

- 1, Whether Reporters of Local papers may be allowed to see the Judgment ?
- 2, To be referred to the Reporter or not ?
- 3, Whether their Lordships wish to see the fair copy of the Judgment ?
- 4, Whether it needs to be circulated to other Benches of the Tribunal ?

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: 2 :

Radhakant Goswami
Retired Station Supdt.
C/O Shri G.R.Malhotra,
27, Adarshnagar, 'D Cabin,
Sabarmati,
Ahmedabad. 380 009.

..... Applicant

(Advocate : Mr.G.R.Malhotra)

VERSUS

- 1) Union of India, through :
The General Manager,
Western Railway,
Churchgate,
BOMBAY -20.
- 2) Divisional Railway Manager (E),
Kothi Compound,
Western Railway,
RAJKOT.

..... Respondents

(Advocate : Mr.A.S.Kothari)

J U D G E M E N T

In

O.A.No:453/93

Date 3.01.1997

Per : Hon'ble Shri K.Ramamoorthy : Member(A)

This application has been filed seeking relief by way of stepping-up of pay of the applicant, from the year 1990 to match with the pay of one Mr.Jogindersingh Gill alleged by the applicant to be junior to the applicant.

- 2) According to the applicant when he was promoted as Station Superintendent in the scale of Rs.2000-3200(R)

: 3 :

and posted at Jotana, he came to know ^{that} from Mr. Jogindersingh Gill who was working as Station Superintendent at Taranga-Hill was drawing pay of Rs.2525/- where as the applicant was drawing Rs.2450/-. Thereafter, the applicant had made representation on 14.3.1990 and on 1.4.1990. He had thereafter represented in the matter in response to the reply received from the respondent-deptt. Finally he received a reply on 6.5.1993 from the Divisional Railway-Manager (E) Rajkot rejecting his representation. Thereafter he has chosen to file the present application. The respondent-deptt. in their reply have stated that the application was time barred as his grievance actually arose in 1986. The mere fact that he made continuous representation cannot absolve ^{him} from the limitation factor. On merit also according to the respondent-deptt. the applicant had no case and the position has been clarified in the impugned letter. Both the learned counsels were heard.

3) On the issue of limitation the grievance ^{also} pertains to an earlier period of time. The fact remains vide letter No:ET/R/30/30 dated 25.4.1990, the applicant has been given a specific reply that his request for re-fixing of pay cannot be acceded, when also he could have approached the Tribunal. It is an established position ^{law} in/

that continuous representation does not extend the time factor. Hence the application is barred because of the limitation factor.

4) Even on merit, apart from the fact that he was, in the seniority list, senior to Mr. Joginder Singh Gill, the applicant has not been able to adduce specific arguments against the three specific reasons cited in the impugned letter dated 6.5.1993. The only arguments of the applicant is that as per the seniority list, he is a senior person. The applicant has relied on the judgment of the Ernakulam Bench dated 29.10.1993 (reported in Swamy's News January, 1994 Page: 51) to urge that seniors' pay should be stepped-up to that of junior under FR. 22C irrespective of the reasons for junior drawing higher pay.


5) Seniority factor claimed by the applicant has not been denied by the respondent-deptt. as can be seen from the written statement in Para: 4, but the three specific points referred to in letter dated 6.5.1993, viz. (1) relating to the facts of the earlier promotion as A.S.M. ^{which} gave higher pay ^{to Mr. Gill} (ii) The effect of Third Pay Commission recommendation and (iii) the fact that ~~in~~ the junior officiated against higher graded post, ~~have~~ not been answered by the applicant.


The particular order of 29.10.1983 referred to above relates that particular case only where due to fortuitous circumstances, the applicant in question could not get promoted.

6) In fact this application has been made by way of exploration nature. The Tribunal is no forum for such an exercise.

7) After taking into account the various averments of the learned counsel for the applicant, and arguments and written statement of the respondent-deptt, Tribunal sees no reason to interfere with the decision of the respondents-deptt. even on merits.

8) Accordingly, the application is disallowed., both on the count of limitation and on merits. There will be however, no order as to costs.


(A.K. Mishra)
Member(J)


(K. Ramamoorthy)
Member(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 453/93
T.A. No.

DATE OF DECISION 13-10-1993

Shri Radhakant Goswami Petitioner

Shri G.R. Malhotra Advocate for the Petitioner(s)

Versus

Union of India and Others Respondent

Shri B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N.B. Patel

Vice Chairman.

The Hon'ble Mr. V. Radhakrishnan

Member (A).

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No

Radhakant Goswami
C/o Shri G.R. Malhotra
27, Adrashnagar, 'D' Cabin
Sabarmati, Ahmedabad.

Applicant

Advocate Shri G.R. Malhotra

Versus

1. Union of India
Through the General Manager
Western Railway
Churchgate, Bombay.
2. Divisional Railway
Manager (E), Kothi Compound
Western Railway, Rajkot.

Advocate Shri B.R. Kyada

ORAL JUDGEMENT

In

O.A. 453 of 1993

Date: 13-10-1993.

Per Hon'ble Shri N.B. Patel

Vice Chairman.

The applicant and his advocate are not present when called out. Last time also they were not present. Dismissed for Default. No order as to costs.

(V. Radhakrishnan)
Member (A)

(N.B. Patel)
Vice Chairman.

*AS.

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Application No. DAH453/82

Transfer Application No. —

CERTIFICATE

Certified that no further action is required to be taken and
the case is fit for consignment to the Record Room (Decided)

Dated : 22/11/82

Countersign :

SE 22192

Section Officer.

KARLOUT
Signature of the Dealing
Assistant

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