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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No.149 of 1987

Date of decision : April 5, 1989.

- 1. Kanti Chandra Misra
S/o Vijay Narain Misra
aged about 48 years
Driver, Transport Sub-Depot,
M.V.-79, B. O. Lachipeta,
Via Malkangiri, Dist. Koraput
Orissa. APPLICANT

-Versus-

- 1. Union of India represented
by Secretary, Department of
Internal Security, ~~New Delhi~~
Rehabilitation Division,
Jaisalmer House, Mansingh Road,
New Delhi-11.
- 2. Chief Administrator,
Dandakaranya Project,
Project Headquarters,
Koraput (Orissa) 764020. RESPONDENTS

FOR THE APPLICANT. M/s. A.K. Mohapatra &
P.K. Mohapatra, Advocates

FOR THE RESPONDENTS. ... Mr. A.B. Misra, Senior Standing
Counsel (Central).

C O R A M

THE HON'BLE MR. B. R. PATEL, VICE-CHAIRMAN
AND
THE HON'BLE MR. K. P. ACHARYA, MEMBER (JUDICIAL)

- 1. Whether reporters of local papers may be allowed
to see the judgment ? Yes
- 2. To be referred to the Reporters or not ?
- 3. Whether Their Lordships wish to see the fair
copy of the judgment ? Yes.

J U D G M E N T

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a declaration that the applicant is entitled to ~~count~~⁴ seniority in the grade of Tractor Driver with effect from 23.6.1962 and furthermore, for a declaration that the applicant is entitled to draw the pay scale of Rs.140-175/- with effect from 15.5.1963 and corresponding revised pay scale with effect from 1.1.1973.

2. Shortly stated, the case of the applicant is that he is a tractor operator appointed by the Dandakaranya Development Authority and he joined the said post with effect from 23.5.1962 in the pay scale of Rs.140-175/-. Subsequently, the competent authority transferred the applicant in the same post to a lower scale of pay. Hence this application with the aforesaid prayer.

3. In their counter, the respondents maintained that not only the case is to be dismissed in limine on the question of the case being barred by limitation but also on the question of fact the applicant is not entitled to the relief claimed by him. Hence, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. A.K. Mohapatra, learned counsel for the applicant and Mr. A.B. Mishra, learned Senior Standing Counsel (Central) at some length. Mr. Mishra took a preliminary objection that the case is grossly barred by limitation because in view of the provisions contained in

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Section 21 of the Administrative Tribunals Act, 1985, a Tribunal cannot take cognizance of any cause of action which is said to have arisen three years prior to the date on which the Act came into force i.e. 1.11.1985. From the pleadings of the parties we find that the cause of action of the applicant relates to the year 1963 when he was transferred to a lower scale of pay. The applicant remained silent and this application has been filed only on 29.4.1987. Hence, we find no sufficient cause to condone the delay and as such, this application is grossly barred by limitation.

5. Thus, we do hereby dismiss this application on the question of limitation leaving the parties to bear their own costs.

[Signature]
5/4/89
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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.



[Signature]
5.4.89
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 5, 1989/Saranggi.