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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.18 of 1987

Date of decision : April 5, 1989.

A.ChandraSekhar Rao, son of late
Lakshmi Narasimham, Mechanic, Construction
Division, Malkangiri, Koraput.

... Applicant.

Versus

1. Union of India, represented by its
Secretary, Department of Internal Security,
Rehabilitation Division, Jaisalmer House,
Mansingh Road, New Delhi-110 011.
2. Chief Administrator,
Dandakaranya Project, Project
Headquarters, Koraput, 764020
(ORISSA) Respondents.

For the applicant ... Mr.A.K.Mohapatra,
Advocate.

For the respondents ... Mr.A.B.Mishra,
Senior Standing Counsel (Central)

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

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 ? NO
3. Whether Their Lordships wish to see the fair copy
of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J)

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a declaration that he is entitled to a pay scale of Rs.380-560/- with effect from 1.1.1973 and for a direction to the competent authority to give promotion to the applicant to the selection grade.

2. Shortly stated, the case of the applicant is that he was appointed as a Mechanic under the Dandakaranya Development Authority with effect from 12.11.1962 and was given the pay scale of Rs.140-175/-. After the Third Pay Commission Report was accepted by the Government, the applicant was given a pay scale of Rs.320-400/- but he claims the pay scale of Rs.380-560/- and for promotion to the selection grade. Hence, this application with the aforesaid prayer.

3. In their counter, the respondents maintained that the case is grossly barred by limitation and as such should be dismissed in limine with costs.

4. We have heard Mr.A.K.Mohapatra, learned & unsel for the applicant and Mr.A.B.Mishra, learned Senior Standing Counsel (Central) at some length. Mr.Mishra raised a preliminary objection that the cause of action of the applicant, if any, relates to the year 1973 and Section 21 of the ^{the} Admibistrative Tribunals Act, 1985, having created a clear bar to the extent that the Tribunal cannot take cognizance of any cause of action arising beyond three years from the date on which the Act came into force i.e.

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1.11.1985, the case is grossly barred by limitation. After giving our anxious consideration to the arguments advanced at the Bar we find that there is no considerable force in the contention of learned Senior Standing Counsel (Central). We therefore, hold that the case is grossly barred by limitation in view of the provisions contained under section 21 of the Administrative Tribunals Act, 1985.

So far as the claim of the applicant for promotion to the selection grade, the concerned authorities may consider the case of the applicant for promotion to the selection grade and pass necessary orders as deemed fit and proper according to Rules.

5. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.

Agreed *MRB*
5/4/89
Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree -

..... *5.4.89*
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack, *CUTTACK BENCH*
April 5, 1989/Sarangi.

