

(17) 17

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH

Original Application No.21 of 1987

- Date of decision : April 5, 1989.
1. Mahendra Kumar Mukherjee
S/o Late Manidra Kumar Mukherjee
Mechanic, Balimela Construction-
Sub-Division, Dandakaranya Project
P.O. Malkangiri Colony, Dist. Koraput
(Orissa), Pin-764048 APPLICANT

Versus-

1. Union of India,
Secretary, Department of Internal
Security, Rehabilitation Division
Jaiselmer House, Mansingh Road
New Delhi-110011.
2. Chief Administrator
Dandakaranya Project
Project Headquarters
Koraput-764020.

..... RESPONDENTS

FOR THE APPLICANT. Mr. A.K. Mohapatra -1, Advocate

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 ? No .
3. Whether Their Lordships wish to see the fair
copy of the Judgment ? Yes.
-

J U D G M E N T

(18) ~~11~~

K.P.ACHARYA, MEMBER(J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for a declaration to be entitled to a pay scale of Rs.380-560/- and also claims for promotion to the Selection Grade.

2. Shortly stated, the case of the applicant is that he is a junior Mechanic under the Dandakaranya Development Authority having been appointed with effect from 2.5.1963 in the pay scale of Rs.140-175/-. On 25.6.1965 the applicant was redesignated as a Mechanic and after the Third Pay Commission report was accepted by the Government of India, the applicant has been given the pay scale of Rs.330-480/- whereas the applicant has claimed 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 claim of the applicant is misconceived on the question of fact. The claim of the applicant is to be dismissed in limine with costs as the same is barred by limitation.

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. Learned Senior Standing Counsel (Central) raised a preliminary objection that the grievance of the applicant relates to a period soon after the Third Pay Commission Report was accepted by the

Government of India and such being the situation, the provisions contained in Section 21 of the Administrative Tribunals Act would operate against the applicant and the case should be dismissed. Ofcourse, this was stiffly opposed by Mr. Ashok Kumar Mohapatra, learned counsel for the applicant. But we are sorry as we cannot take cognizance of the cause of action which has arisen beyond three years prior to the date on which the Act came into force i.e. 1.11.1985. In such circumstances, we have no other option but to accept the contention of learned Senior Standing Counsel (Central).

So far as the prayer of the applicant for promotion to the selection grade is concerned, the concerned authorities may consider the case of the applicant for promotion 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.

kgas
5/4/89
.....
Member (Judicial)

B. R. PATEL, VICE-CHAIRMAN,

g agree -

Rm hll
5.4.89
.....
Vice-Chairman

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

