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(14)

CENTRAL ADMINISTRATIVE TRIBUNAL?
CUTTACK BENCH : CUTTACK.

Original Application No.23 of 1987.

Date of decision : May 26, 1989.

P.T.Thomas, sonof late P.N.Thomas,
Lower Division Clerk, Construction
Division, Malkangiri, Dist. Koraput.
Orissa. PIN 764 048. ...

Applicant.

Versus

1. Union of India represented by its
Secretary to the Government of India,
Department of Internal Security,
Rehabilitation Division, Jaiselmer
House, Mansingh Road, New Delhi-11.
2. Chief Administrator,
DNK Project, Project Headquarters,
Koraput, Orissa. 764 020.

... Respondents.

For the applicant ... Mr.A.K.Mohapatra-1, 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.
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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 to direct the respondents to allow the applicant the scale of pay for Upper Division Clerk from 3.2.1971 onwards at the rate of Rs.130-300/- from 3.2.1971 to 31.12.1972; Rs.330-560/- from 1.1.1973 to 31.12.1985 and Rs.1200-2040/- from 1.1.1986 onwards as personal to him.

2. Shortly stated, the case of the applicant is that the applicant was initially appointed as a Work Assistant Grade III in the scale of Rs.85-110/- in the Dandakaranya Development Project with effect from 19.5.1965 and in process of time he was promoted to the post of Grade II in the scale of Rs.110-131/- with effect from 1.3.1966. The grievance of the applicant is that his pay fixation was not made under Fundamental Rule 22-C and even though he has made representations, no fruitful result has been derived by him. 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 it should be dismissed in limine with costs.

4. We have heard Mr. A.K. Mohapatra-1, learned counsel 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 Administrative Tribunals Act, 1985 having created a clear bar to the extent that the Tribunal cannot take cognizance of any cause of action arising three years from the date on

the Act came into force i.e. 1.11.1985. After giving our anxious consideration to the arguments advanced at the Bar we find there is considerable force in the contention of Mr. A. B. Mishra, 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.

5. Thus, this application stands dismissed leaving the parties to bear their own costs.

h. g. as
26/5/89
.....
Member (Judicial)

B. R. PATEL, VICE-CHAIRMAN,

9 agree

h. g. as
26.5.89
.....
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
May 26, 1989/Saranghi.

