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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 269 of 1987.

Date of decision : April 5, 1988.

Narendranath Mondal, son of
Hazarilal Mondal, aged about
40 years, Zonal Inspector of
Schools, M.V.90, P.O. Kalimela,
District-Koraput, Orissa.

...

Applicant.

Versus

1. Union of India represented by its
Secretary, Ministry of Home Affairs,
Department of Home Affairs,
Rehabilitation Wing, Jaisalmer House,
Man Sing Road, New Delhi-110011.

2. Chief Administrator,
Dandakaranya Development Authority,
At, P.O./District-Koraput.

3. Zonal Administrator,
Dandakaranya Development Authority,
At/P.O. Malkangiri, District-Koraput.

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Respondents.

For the applicant ... M/s. Devanand Misra,
Deepak Misra, &
Anil Deo, Advocates.

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 ?
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

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K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant claims the pay scale of Rs.550-900/- having discharged his duties as Headmaster of Middle English School and also ~~the~~ pay scale of Rs.650-1200/- having discharged the duties of Zonal Inspector having been appointed to the said post.

2. Shortly stated, the case of the applicant is that he had been appointed as Headmaster of Middle English School with effect from 10.1.1975 and according to the applicant he worked as such till June 1979. Thereafter, the applicant is said to have been appointed as Zonal Inspector. Thus, the applicant claims ~~the~~ pay scale of Rs.550-900/- as Headmaster of M.E. School and also claims ~~the~~ higher pay scale of Rs.650-1200/- as Zonal Inspector.

3. In their counter, the respondents maintained that the applicant is not entitled to such pay scale because as Zonal Inspector the prescribed pay scale is Rs.425-700/- and so far as the claim of the applicant to pay the pay scale of Rs.550-900/- is concerned, it is grossly barred by limitation and therefore, the claim should not be allowed.

4. We have heard Mr. Deepak Misra, learned counsel for the applicant and learned Senior Standing Counsel (Central), Mr. A. B. Mishra at some length. In very many cases in the past the Hon'ble High Court of Orissa has given the pay scale of Rs.550-900/- to Headmasters of M.E. Schools working under the Dandakaranya Development Authority and in compliance with the writ issued by the Hon'ble High Court of Orissa the Central Govt.

Government has issued necessary sanction orders. Agreeing with this view of the Hon'ble High Court of Orissa we also allowed the applications of several applicants and the Central Government has remained satisfied without approaching the higher Courts to setaside the judgments. Hence, in the present case, on questions of fact, we do not think it justifiable to take a view other than what has been taken by the Hon'ble High Court of Orissa and this Bench.

5. Mr. A. B. Mishra vehemently submitted before us that the claim is grossly barred by limitation under Article 7 of the Limitation Act and cited a judgment reported in AIR 1962 SC 8 (Madhab Lazman Vaikuntha v. State of Mysore). He also relied upon a judgment of the Bombay Bench of the Central Administrative Tribunal to the above effect. We have already discussed the principles laid down by Their Lordships in Madhab Laxman Vaikuntha (supra) holding that the claim unless fixed, Article 7 of the Limitation Act would have no operation. The provisions contained in Article 7 of the Limitation Act would be effective only ^{from} ~~on~~ the date on which the claim had been settled. We ^{had} ~~had~~ taken this view relying upon a judgment of the Hon'ble High Court of Gauhati reported in AIR 1974 Gauhati 10 (State of Assam v. Gopal Krishna Mehera) and this view taken by us has not yet been setaside. The case decided by the Bombay Bench is also distinguishable from the facts and circumstances of the present case. In such circumstances, the contention raised by learned Senior Standing Counsel (Central) stands rejected and the applicant is entitled to the pay scale of Rs. 550-900/- during the period he worked as

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Headmaster of M.E.School.

6. As regards the claim of the applicant to give him the pay scale of Rs.650-1200/- we are not prepared to allow this claim because admittedly the pay scale allowed for the Zonal Inspector is Rs.425-700 and we have no powers to enhance the pay scale. We have taken the similar view in T.A.26 of 1987 disposed of on 25.9.1987 and we do not think it justifiable to make a departure from the view already taken and thus this prayer of the applicant stands rejected.

We would direct that the concerned authority may calculate the amount to which the applicant is entitled and the same be paid to the applicant within four months from the date of receipt of a copy of this judgment.

7. Thus, this application is partly allowed leaving the parties to bear their own costs.

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Member (Judicial)

B.R.PATEL, VICE-CHAIRMAN,

I agree.



Another 5/4/88
Vice-Chairman

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
April 5, 1988/S. Sarangi.