

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.145 of 1989.

Date of decision : May 31, 1991.

Smt. Arnapurna Das ... Applicant.

Versus

Union of India and others ... Respondents

For the applicant ... M/s Aswini Kumar Misra,  
S.K.Das, S.B.Jena, Advocates.

For the respondents ... Mr.Ashok Mohanty,  
Standing Counsel(Railways)

C O R A M:

THE HONOURABLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HONOURABLE MR.N.SENGUPTA, MEMBER (JUDICIAL)

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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

*N.Sengupta*  
N.SENGUPTA, MEMBER (J) The applicant has asked for the reliefs of a direction to the respondents to determine her seniority taking the date of her appointment to the post in the scale of pay of Rs.550-750/- to be 25.12.1955 and to place her in the seniority list above Shri S.N.Rao but below Shri Kundu.

2. The averments by the applicant, put in brief, are that she was initially appointed as a Lady Passengers Supervisor in the then scale of pay of Rs.60-150/-

on 25.12.1955 and was posted at Cuttack Railway Station. There was a decision by the Railway Administration to place the Passenger Supervisor below the lowest grade of Ticket Collectors drawing pay in the scale of Rs.55-130/- Subsequently, there was some modification as a result of which the Passengers Supervisors who belonged to three categories, were to take the seniority at the bottom of Ticket Collectors drawing pay in the scale next higher to their (Passengers Supervisors') respective ~~dates~~ <sup>Scale</sup>. As her pay scale was Rs.60-150/- she ought to have been placed below the Ticket Collectors drawing pay in that scale of pay i.e. she must have been placed senior to the Ticket Collectors in the scale of pay of Rs.55-130/-. Though Shri Sen, Passenger Supervisor, was given the pay scale of Rs.100-185/- yet she was not allowed to draw pay in that scale. Thus, there was a discrimination right from December, 1985. In December, 1963 she was promoted to the next higher rank carrying pay scale of Rs.150-240/-. As the Railway authorities directed the applicant to perform second night duty, she had to refuse promotion. The Railway Authorities brought her seniority down by about 100 places. She made representations against this action of the Railway Administration but the representations became fruitless. For the second time also she had to refuse promotion on identical grounds whereafter she had been making representations till upto October, 1985 and she did not receive any reply from the authorities.

*Sen Emp  
31-5-91.*

3. For what is going to be stated below, it is unnecessary to state in detail all the facts averred by the

respondents in their reply. In a nutshell, the case of the respondents is that Mr. Sen and another with ~~which pay scale~~ <sup>their</sup> ~~pay scale~~ <sup>pay</sup> ~~h~~ the applicant has claimed ~~seniority~~ <sup>seniority</sup> ~~seniority~~ in the matter of pay, were appointed earlier and were senior to the applicant, therefore, the applicant cannot be entitled to the same pay and allowances as Mr. Sen is drawing. They have also taken the plea of limitation.

4. We have heard Mr. A. K. Misra, learned counsel for the applicant and Mr. Ashok Mohanty, learned Standing Counsel (Railways) for the respondents. On reading the averments in the application it would be clear that the relief that the applicant has asked for ~~is~~ <sup>being</sup> the grievance that arose some time in the year 1962 or prior to that. True it is that the applicant made a number of representations after the first one way back in 1963-64 but there was no response from the side of the respondents. It is now settled beyond controversies that successive representations do not arrest the running of time. Under the Administrative Tribunals Act, 1985 no application in respect of a grievance which arises more than three years prior to the coming into force of the Act can be taken cognizance of by a Tribunal. To put it in other words, ~~that~~ any grievance which arose prior to 1.11.1982 cannot be taken cognizance of by this Tribunal as this Tribunal was constituted and started functioning with effect from 1.11.1985. (In this regard see the decision reported in ATR 1986 (1)CAT 203, V.K. Mehra v. The Secretary, Ministry of Information & Broadcasting, New Delhi).

*Manu Singh  
31.5.91*

5. For these reasons, we are unable to grant the

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applicant the reliefs that she has sought for, and as such the application stands dismissed. But however, there would be no order as to costs.

*Amritlal*  
.....31.5.91  
Vice-Chairman



*N.C. Engr*  
.....31.5.91  
Member (Judicial)

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
May 31, 1991/Sarangi.