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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.339 of 1990.

Date of decision: July 31, 1991.

Bibhuti Bhusan Das ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s.D.R.Pattnayak
Biswa Mohan Pattnayak
S.Pattnayak, Advocates.

For the respondents ... Mr.R.C.Ratha,
Standing Counsel (Railways)

C O R A M:

THE HONOURABLE MR.N.SENGUPTA, 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 His Lordship wishes to see the fair copy of the judgment ? Yes.

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C O R A M:

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

JUDGEMENT

N.SENGUPTA, MEMBER (J) The applicant has prayed for stepping up of his pay alleging that persons juniors to him have been drawing more pay than he and as such his pay should be stepped up to the level of the pay drawn by his immediate juniors. Undisputedly, the applicant entered the Railway service and subsequently was promoted ~~as~~ ~~to~~ ~~a~~ Travelling Ticket Examiner. The applicant has averred that he is drawing pay of Rs.1700/- whereas K.K.Das and D.D.Nayak, his juniors are drawing pay of Rs.1850/- per month.

2. Mr.Pattnayak, learned counsel for the applicant has drawn my attention to Annexures-1 and 1/1 to contend that the applicant is senior to D.D.Nayak who comes at serial No.27 (applicant's serial number is 26) in the first seniority list and the said D.D.Nayak's name finds place at serial number 28 which is below that of the

N.Sengupta
31.7.91.

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applicant in the seniority list as on 31.12.1987. Mr.R.C. Ratha, learned Standing Counsel(Railways), on the other hand, has referred me to Annexure-3 and has contended that this D.D.Nayak though junior, got increment on account of his having worked during the strike period in 1974. That is how he came to draw higher pay than the applicant. The applicant had made a representation earlier which was rejected by the order of the competent authority dated 16.8.1988. In that representation he had asked for stepping up of his pay with effect from the date of promotion to the cadre of T.T.Es. One of the ~~grievances~~ ^{reliefs} that the applicant has asked at present is also stepping up of his pay. Since the representation of the applicant was rejected on 16.8.1988 and the present application was filed on 21.8.1990, the application is barred by limitation under section 21 of the Administrative Tribunals Act, 1985. However, it is made clear that as the application is being rejected on ground of limitation, it would not bar the consideration of the representation made by the applicant on 26.9.1989, a copy of which has been made Annexure-4 to the original application. There would be no order as to costs.

Mr. Supte
.....
Member (Judicial)

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

