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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

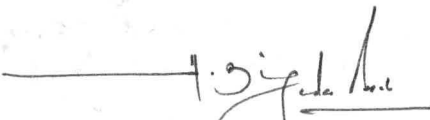
ORIGINAL APPLICATION NO: 505 OF 1990

Date of decision: February 18, 1994

Shri Ch. N. Murty	...	Applicant
	Versus	
Union of India & Others	...	Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to the reporters or not? <sup>ND</sup>
2. Whether it be circulated to all the Benches of the <sup>ND</sup>  
Central Administrative Tribunal or not?

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

18 FEB 94

  
(K.P. ACHARYA)  
Vice-Chairman

(12)

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Date of decision: February 18, 1994

Shri Ch.N.Murty	...	Applicant
	Versus	
Union of India & Others	...	Respondents
For the Applicant	...	M/s.V.Prithiviraj,R.V.Ramana, P.K.Nayak,Advocates
For the Respondents	...	Mr.D.N.Mishra,Standing Counsel (Railways).

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CORAM:

THE HONOURABLE MR.M.P. ACHARYA, VICE CHAIRMAN  
&  
THE HONOURABLE MR.H.RAJENDRA PRASAD, MEMBER (ADMN)

-.-.-.-.-

J U D G M E N T

K.P.ACHARYA,V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to quash Annexures 6, 7, 8, and 10 and to direct the Opposite Parties to fix the seniority of the petitioner in T.G.T. Grade II with effect from 2.7.1964 and to provide him all consequential service benefits including the selection Grade scale with effect from 1.4.1976 and further to direct the Railway Administration to enable him to avail the 20% Selection Grade Scale with effect from 1.4.1976.

(12)

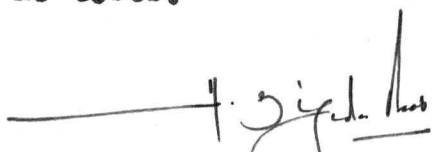
2. Shortly stated the case of the Petitioner is that on 19th January, 1960 the Petitioner joined the Post of Assistant Teacher in the Railway Double Teacher Primary School at Palasa. On 20th June, 1963/ 4th July, 1963, Opposite Party No. 3 issued a requisition inviting applications for appointment of Teacher in the vacancy <sup>which</sup> existed in the Railway Mixed High School Khurda Road which is a promotional post. Vide order dated 2nd July, 1964, the petitioner was given promotion to the higher grade post and was given a posting in the Railway Mixed High School <sup>at</sup> Khurda Road. But the petitioner could not be relieved from his original post due to administrative reasons till 29th September, 1964. The Petitioner was relieved on 29th September, 1964 and he joined the promotional post on 1st October, 1964. Originally, the petitioner was allowed the Selection grade vide order dated 17th March, 1988 contained in Annexure-5 with effect from 1st April, 1981. Being aggrieved by this order, a representation was made by the petitioner. Vide order dated 10.11.1989 contained in Annexure-8 benefit of 20% of Selection grade was antedated in favour of the petitioner with effect from 1st February, 1978. Still not being satisfied with this amended order, this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintain that the case <sup>is</sup> grossly barred by limitation and hence should not be entertained and it is further more averred that since the Petitioner joined the post in question on 1.10.1964, his entitlement to the selection grade has been rightly fixed to take effect from 1st February, 1978 and therefore, the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Prithiviraj learned counsel appearing for the petitioner and Mr. D.N. Mishra learned Standing Counsel appearing for the Railway Administration. We have also perused the pleadings of the parties and the copies of the documents annexed to the petition. The claim of the petitioner is to award benefit of selection grade to him with effect from 1.4.1976. Law is well settled and right <sup>by</sup> and fairly not disputed at the Bar that Bench cannot take cognizance of any cause of action arising in favour of a particular employee prior to 1.11.1982. The Bench does not have power to condone the delay. Hence we find there is substantial force in the contention of Mr. D.N. Mishra that the case is grossly barred by limitation. Apart from the question of limitation, we have no hesitation in our mind to say that on merits the case has no legs to stand on. Rightly the concerned authority amended the previous order and fixed the benefit of selection grade to be awarded to the petitioner with effect from 1st February, 1978 and therefore, we find no reason to

intereferere with the impugned orders which are hereby  
sustained. The case is devoid of merit stands dismissed.

No costs.

  
Member (Administrative)  
18 FEB 94

  
Vice-Chairman  
18.2.94

Central Admn. Tribunal,  
Cuttack Bench, Cuttack.  
K. Mohanty/ 18.2.1994