

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.57 of 1996

Date of Order:29.03.2004.

Present : Hon'ble Mr. Nityananda Prusty, Judicial Member

Hon'ble Mr. N. D. Dayal, Administrative Member

GOBINDA LAL SARKAR AND ORS.

VS.

UNION OF INDIA AND ORS.

For the Applicant : Mr. S. K. Dutta, counsel

For the Respondents : Mr. M. S. Banerjee, counsel

O R D E R

MR. NITYANANDA PRUSTY, JM:

The applicants who were earlier working as Constables under the respondents no.03 i.e. Deputy Commandant, Mobile Civil Emergency Force, have filed this application for the following reliefs:


"a) The fixation of salary in the grade of Rs.(825/- Rs.1200/-) in place of (800/- 1150/-) which is now the applicants are receiving.

b) Arrears of different salary after proper fixation of the pay scale in the grade of Rs.(825-1200) from the year 1987.

c) Protection of salary of the applicants.

d) Leave may be granted to move this petition along with all the applicants under Rule 4(B)(a) of CAT Procedure Rule, 1987."

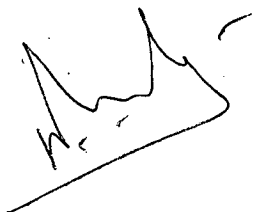
2. When this matter was taken up for hearing, Mr. Dutta, ld. counsel for the applicant submits that this application may be disposed of at this stage permitting the applicants to file a detailed representation highlighting all their grievances enclosing a copy of the documents/office orders/circulars etc., relied upon by them, before the respondent no.01 and directing the respondent ~~no.01~~ to consider the said representation, which is to be filed by the applicants treating this O.A. as a part thereof taking into consideration the contentions of the applicants made in this O.A. as well as in their rejoinder and dispose of the same by passing a reasoned and speaking order within a stipulated period.



Mr. M.S. Banerjee, ld. counsel, appearing on behalf of the official respondents submits that since the applicants have challenged their fixation of pay made in 01.01.1986 and this O.A. having been filed in 1996, this application is hopelessly barred by limitation. Hence, it can not be entertained by this Tribunal at this stage and hence it is liable to be dismissed in limine even without going into the merits.

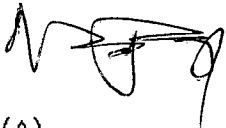
3. However, since the only prayer of the applicants is to grant them leave to file a detailed representation highlighting all their grievances and for a direction to dispose of their representation treating this O.A. as part thereof, we are of the considered view that this application can be disposed of at this stage by giving suitable direction to the respondents.

4. In view of the above, the applicants are permitted to make a detailed representation highlighting all their greivances and enclsioing the copies of documents/office orders/circulars etc. on which they rely in support of their claim within a period of one month from the date of communication of this order. In case such a representation is filed, the respondent authorities, more particularly, respondent no.01 is directed to consider the said representation treating this O.A. as part thereof and also taking into consideration the statements/submissions made by the applicants in the O.A. and in their rejoinder as well as the statements/contentions made by the respondents in their reply, and dispose of the same by passing a reasoned/speaking order in accordance with law within a period of three months from the date of receipt of such representation and communicate the decision thereon to the applicant within a period of three weeks thereafter.

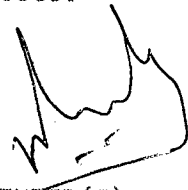


5. It is made clear that we have not gone into the pleadings of the respective parties nor observed anything on the merits of the case and while considering the representation of the applicants, as directed above, the respondent no.01 shall be at liberty to deal with the same including the point of limitation, which has been raised by the learned counsel for the respondents.

6. The O.A. is accordingly disposed of with the above observations/directions. There shall be no order as to costs.



MEMBER(A)



MEMBER(J)

ASVS.