

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH : JODHPUR

Date of order : 02.08.2000

O.A. No. 470/95

w i t h

M.A. No. 233/95

Mohan Lal son of Shri Rawatji, by caste Suthar, aged about 63 years, Ex. Master Craftsman in Shop No. 4, Railway Workshop, Northern Railway, Jodhpur, presently residing in Royal House, Ram Bhawan, Nagauri Gate Road, Jodhpur.

... Applicant.

v e r s u s

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Deputy Chief Mechanical Engineer, Northern Railway, Jodhpur.
3. Shri Kailash Panwar, the then A.P.O., C/o. D.R.M. Office, Northern Railway, Jodhpur.

... Respondents.

Mr. D.C. Sharma, Counsel for the applicant.

Mr. R.K. Soni, Counsel for the respondents.

CORAM:

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :

(Per Hon'ble Mr. Justice B.S. Raikote)

This application is filed for a direction to the respondents to consider the case of the applicant on par with Shri Devendar Singh and Shri Madan Lal, as shown in Annexure A/2 and A/3. He has also prayed for quashing of the order at Annexure A/1.

2. The short grievance of the applicant is that he was not given the benefit of revised pay scale of 1973 with effect from 1.1.1973 and



if the applicant were to be given the revised pay scale with effect from that date, he would get more pensionary benefits. His further grievance is that S/Shri Madan Lal and Devendar, who were junior to the applicant, have been given the benefit of revised pay scale, therefore, the applicant is also entitled to the pay scale equivalent to the pay drawn by Shri Madan Lal and Devendar. The case of the applicant is that on his representation filed before the authority, Annexure A/1 dated 13.06.90 has been issued stating that he would not be entitled to the revised pay scale on par with others, since they were drawing a particular pay scale on the basis of the option given by them for revised pay scale. Accordingly his said representation has been rejected.



3. The learned counsel for the applicant reiterates the same stand taken by the respondents stating that not giving the revised pay scale to the applicant on par with his juniors, S/Shri Madan Lal and Devendar, is discriminatory. Therefore, the applicant sought for a direction as we have already stated above.

4. By filing reply, the respondents have denied the case of the applicant. They have stated in the reply that the applicant had earlier made a representation and the same was rejected vide Annexure R/2 dated 9.11.87. Thereafter, the applicant again made another representation, which has been rejected vide Annexure A/1 dated 13.6.90. Thereafter, the applicant had approached this Tribunal in the year 1995, after his retirement. It is stated that the applicant retired in the month of October, 1991 itself. In the reply, it is stated that the applicant's case has already been rejected long back, hence, this application is liable to be rejected as barred by time. Even otherwise, the applicant did not exercise his option in terms of the proceedings dated 20.7.84 vide Annexure R/5. Therefore, the applicant is not entitled to any relief. As against this, the learned

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counsel for the applicant submits that the applicant had opted for the revised pay scale in the year 1974. The applicant placed Annexure A/4 on record stating that that was an acknowledgement issued to him for his letter of option dated 4.1.74.

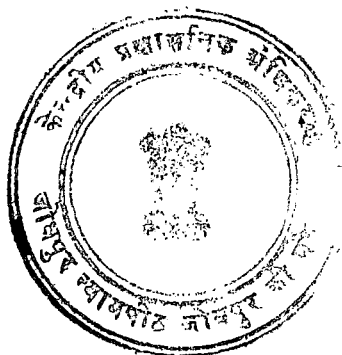
5. From the facts narrated above, we find that the present application is hopelessly barred by time. The applicant was issued an endorsement vide Annexure R/2 dated 9.11.87 stating that his case for stepping up of pay cannot be considered. On filing another representation, again applicant's representation was rejected vide Annexure A/1 dated 13.06.90, whereas the present application has been filed in the year 1995. It is also placed on record that the applicant retired in the year 1991. When the representation has been rejected on 09.11.87 vide Annexure R/2, the applicant without challenging the same, could not go on making representation again and again. At any rate, his latest representation was rejected vide Annexure A/1 dated 13.6.90, but the said order was also not challenged in time. The present application has been filed in the year 1995. In these circumstances, the application is hopelessly barred by time. However, the applicant has filed a separate Misc. Application No. 233/95 for condonation of delay. In the said M.A., it is stated that the then Assistant Personnel Officer, by name Shri Kailash Panwar, had promised him that he would do justice to his case similar to that of the cases of S/Shri Madan Lal and Devendar. It should be made clear that any oral promise given by any authority would not confer on him any right, unless it is given in writing. Even the affidavit does not state that when Shri Kailash Panwar, the then A.P.O., given this promise to him. In these circumstances, we find that the present application is barred by time, filed nearly after 25 years. The applicant could have approached this Tribunal after passing the order dated 9.11.87 vide Annexure R/2. Even if the order dated 13.6.90 (Annexure A/1) is taken into account, then also the application is

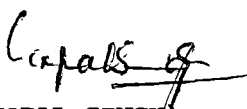


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barred by time. The applicant retired in the year 1991 and he knew that on what basis his pay and pension was fixed. In these circumstances, we do not find any sufficient cause for condoning the delay. More so, the authorities consistently held that the applicant did not exercise his option in time and the other persons had exercised the same in time. In this view of the matter, we do not find any merit in this application. Accordingly, we pass the order as under:-

"The O.A. is dismissed. Consequently, the M.A. No. 233/95 also stands dismissed. But in the circumstances, without costs."




(GOPAL SINGH)
Adm. Member


(B.S. RAIKOTE)
Vice Chairman

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RJ.
Re
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Part II and III destroyed
in my presence on 8-2-07
under the supervision of
section officer () as per
order dated 1-20-11/11/2006

Nancy
Section officer (Record)