

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO.65/2002

Thursday this the 24th day of January, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

T.N.Ramachandran Iyer, Pensioner,
(Retired General Store Keeper)
Govt. of India Press, Koratty,
Lakshmi Sadan, 7 Jawahar Park,
Netaji Nagar, Kochi.20.

...Applicant

(Applicant in person)

V.

1. Union of India, represented by
the Secretary, Ministry of Urban Affairs
and Employment (Deptt. of Urban Development)
Nirman Bhavan, New Delhi.11.

2. Shri K.C.Shivarama Krishnan
(Ex-Secretary to Govt. of India,
Ministry of Urban Affairs and
Employment) C/o Centre for Policy Research,
Dharma Marg, Chanakya Puri,
New Delhi.21.

...Respondents

(By Advocate **Mr. C. Rajendran, SCGSC**)

The application having been heard on 24.1.2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN


The applicant who is a retired person claiming appropriate pay scale with effect from 1.1.86 in terms of the directions contained in the order of the Tribunal in OA.K.245/87, made a representation which was rejected by Annexure.A4 order dated 19/20.7.90. He followed up his claim and ultimately as per the directions of the Hon'ble High Court of Kerala in OP 2634/99 the applicant was given another letter by the Secretary to the Government of India, Ministry of Urban Affairs & Employment (Department of Urban Development) dated 23.3.99 (A5). In a Contempt

contd....

Petition arising out of OAK 245/1987 an affidavit was filed by Shri K.C. Sivaramakrishnan S/o late Chidambara Krishnan, Secretary, Ministry of Urban Development, New Delhi on 7.3.1991. (A6). As the applicant's claim for an appropriate pay scale has been rejected on invalid grounds by an incompetent person, according to the applicant, the applicant has filed this application seeking to have Annexures.A4, A5 and A6 set aside and for a direction to the respondents to dispose of Annexure.A3 representation dated 23.3.1990.

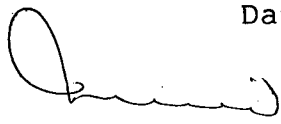
2. We have gone through the application, the annexures appended thereto and have heard Shri T.N.Ramachandran Iyer, the applicant who is appearing in person and Shri Rajendran, counsel for the respondents. We find that this application is hopelessly barred by limitation. All the impugned orders are beyond the period of limitation prescribed under Section 21(3) of the Administrative Tribunals Act. That the claim of the applicant that his grievance is a continuing one in view of the ruling of the Apex Court in M.R.Gupta V. Union of India, (1995) 5 SCC 628 is totally misplaced and untenable because what was considered by the Apex Court in Gupta's case was wrong fixation of pay. This is not a case of fixation of pay. The applicant claims a different pay scale which has been rejected by Annexure.A4 order dated 19/20.7.90. A repeated representation made by him was also rejected by order dated 23.3.99 (A5). An affidavit filed in the year 1991 is the other impugned order. It is well settled now that repeated unsuccessful representations would not give a re-birth to a cause of action which is dead and buried. Any authority on the point is needed,

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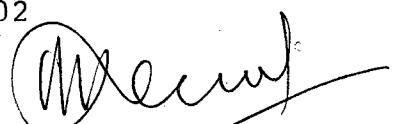


the same can be had from S.S.Rathore Vs. State of Madhya Pradesh AIR 1990 SC 10. The application being miserably barred by limitation is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 24th day of January, 2002



T.N.T. NAYAR
ADMISTRATIVE MEMBER



A.V.HARIDASAN
VICE CHAIRMAN

(s)

A P P E N D I X

Applicant's Annexures:

1. A-1 : True copy of item No.19 .15 and 19 . 16 of the ACTION TAKEN Note of the meeting of the Departmental Council (JCM) held on 9.9.1983 mentioned in the OM dated 2nd May, 1985 of the Government of India, Ministry of Works and Housing, New Delhi.
2. A-2 : True copy of items No.19.15 and 19.16 of the Minutes of the special meeting of the Departmental Council (JCM) held on 10th and 11th May, 1985 mentioned in the OM Dated 21.8.1985 of the Govt. of India, Ministry of Works and Housing, New Delhi.
3. A-3 : True copy of the representation dt.23.3.90 of the applicant submitted to the Secretary, Govt. of India, Ministry of Urban Development, New Delhi.
4. A-4 : True copy of MM dt.19/20-7-90 of Shri M.L.Gogia, Desk Officer, Govt. of India, Ministry of Urban Development (PSP Division) New Delhi, sent to the applicant.
5. A-5 : True copy of the letter dt.23.3.99 of Shri Ashok Pahwa, Secretary, Govt. of India, Ministry of Urban Affairs and Employment, New Delhi sent to applicant.
6. A-6 : True copy of the Affidavit dt.7.3.91 of Shri K.C. Shivarama Krishnan, the then Secretary, to the Govt. of India, Ministry of Urban Development, New Delhi filed in CCP No.39/90 in OAK No.245/87 of this Hon'ble Tribunal.
7. A-7 : True copy of the representation dt.1.10.2001 of the applicant submitted to the Secretary, Govt. of India, Ministry of Urban Affairs and Employment, New Delhi i.e. the 1st respondent of this O.A.

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