

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.123/04

Dated Tuesday this the 17th day of February, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS. ADMINISTRATIVE MEMBER

N.Ravindranathan
Assistant Engineer (Civil Garrison Engineer (I))
now Retired from Kochi.
(MES 112486)
Residing at "Sree Vishak"
38/869 B, Athanikkal
West Hill P.O.
Calicut.

Applicant

(By advocate Smt.N.Sobha)

Versus

1. The Union of India represented by
its Secretary
Ministry of Defence
New Delhi.
2. The Engineer-in-Chief
Army Headquarters, D.H.Q.
New Delhi.
3. The Chief Engineer
Southern Command
Pune.
4. The Accounts Officer (Pay)
Controller of Defence Accounts
Chennai.

Respondents.

(By advocate Mr.S.K.Balachandran, ACGSC)

The application having been heard on 17th February, 2004,
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 retired as Assistant Engineer (Civil Garrison Engineer) on 30.11.03, has filed this application seeking to set aside A-3, A-6 and A-9 and for a declaration that the applicant is entitled to get his pay re-fixed at Rs.2420/- per month with effect from 1.4.86 with all consequential benefits arising therefrom including the pensionary benefits. It is alleged in the application that one G.Ninan Kurian who was junior

to the applicant started drawing higher pay than him with effect from 1.4.86, that his representations claiming refixation of pay stepping up on par with the said junior Ninan Kurian were rejected unjustifiably by A-3, A-6 & A-9 orders and therefore the applicant is entitled to the reliefs sought.

2. Mr. S.K.Balachandran, ACGSC, took notice for the respondents.

3. We have perused the application and annexures appended thereto and have heard Smt.N.Sobha, the learned counsel of the applicant and Sri S.K.Balachandran, the learned counsel for the respondents. Smt.N.Sobha argued that since the facts that G.Ninan Kurian was junior to the applicant and that he started getting higher pay than the applicant with effect from 1.4.86 are not disputed, the applicant is entitled to the reliefs sought and the matter is required to be deliberated and decided by the Tribunal. Sri S.K.Balachandran, on the other hand, argued that the application being hopelessly barred by limitation, it does not deserve admission and that it does not have a valid and subsisting cause of action because the alleged junior of the applicant started getting higher pay with effect from 1.4.86 as he exercised option to have his pay refixed after getting one increment in the pre-revised scale, which the applicant, despite information in that regard contained in A-3, did not exercise.

4. We find considerable force in the arguments of the counsel for respondents that the application does not deserve admission as the same is barred by limitation. The applicant was told as early as on 12th March 1990 by A-3 order that the reason why the



applicant's junior G.Ninan Kurian started getting higher pay than the applicant, namely that it was on account of his exercising the option for refixation of pay with effect from 1.4.86 and since the applicant did not exercise any such option, there was no occasion for stepping up of the applicant's pay as the applicant did not either exercise option nor did he challenge A-3 order.

5. In these circumstances, the claim of the applicant, if any, for stepping up of pay has been hopelessly barred by limitation and therefore the OA is rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated 17th February, 2004.

12.6.2004
H.P.DAS
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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