

Central Administrative Tribunal
Madras Bench
O.A No.167/86

V Sreedharan

... Applicant

-Vs-

1 The Secretary to the
Government of India
Ministry of Communications
New Delhi

2 The General Manager
Telecommunications
Kerala Circle
Trivandrum-1

3 The Superintendent
Central Telegraph Office
Trivandrum

... Respondents

M/s V Narayanan Thampi and
U Appukuttan Nair

... Counsel for the
Applicants

Mr P Santhalingam, ACGSC

... Counsel for the
Respondents

CORAM

Hon'ble Shri C Venkataraman, Administrative Member
and

Hon'ble Shri G Sreedharan Nair, Judicial Member

(Order pronounced by Hon'ble Shri G Sreedharan Nair,
Judicial Member)

ORDER

Heard counsel on either side.

2 The relief claimed in this application is
for quashing the order dated 30.4.85 (copy of
which is at Annexure-IV) and claiming arrears of
pay and allowances without restricting it into
three years as has been done in the aforesaid
order.

2 The applicant joined the Central Telegraph Office as Non-Departmental Telegraphist and in 1980 he was absorbed as regular telegraphist. The applicant had been representing to the General Manager, Telecommunication, Kerala, that he should be treated as a Temporary Telegraphist from the date of entry in the Telegraph Office, Trivandrum in 1956 and that his pay may be fixed in the time scale accordingly. By the order dated 10.10.84 it was held that the applicant will be ~~entitled~~ entitled to monthly rate of pay and allowances with reference to prescribed scales of pay of telegraphist in respect of the period during which he worked as Non-Departmental Telegraphist for one month or more and that such periods may also count as regular service for increments and pension etc. By then, the applicant had retired from service, ~~and we are not concerned with his~~ ~~retirement benefits.~~

3 The grievance of the applicant is that when the bill relating to his arrears of pay and allowances was submitted, the impugned order was passed holding that the arrears may be restricted for three years ~~is seen~~ to have been made is on "law of limitation". According to the applicant the order is arbitrary, discriminatory and violative of Article 14 of

The sole ground
on which such
restriction

the Constitution.

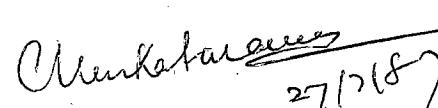
4 A reply has been filed on behalf of the Respondents wherein what is pleaded is that the applicant had not put in regular service and is not qualified to hold the post of Tele-Typist and was not eligible to be regularised even in 1980, and that only as a matter of concession the regularisation was done. It is significant that the solitary ground on which the claim of the applicant was turned down has not at all been sought to be supported in the reply, and in our view, rightly, for restricting the claim for a period of three years relying on "law of limitation" is ex-facie, arbitrary as well as illegal while by the earlier order dated 10th October, 1984 it was unequivocally declared that the applicant will be entitled to monthly rate of pay and allowances with reference to prescribed scale of pay of telegraphist in respect of the period during which he worked as Non-Departmental Telegraphist. When the applicant was diligently urging the claim ever since it ~~is~~ accrued, the delay on the part of the Administration in sanctioning the same cannot be taken advantage

of to deny a portion of the claim based on the
bar of limitation.

5 In the result we quash the order dated
30.4.85 under which the claim of the applicant
for arrears of pay and allowances has been
restricted to three years only.

The application is allowed as above.


(G Sreedharan Nair)
Judicial Member
27.7.87


(C Venkataraman)
Administrative Member
27.7.87

Index: Yes/