

X21

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL-LUCKNOW BENCH  
LUCKNOW

O.A. NO. 429 of 1991.

Khairati Lal..... Applicant.

Versus

Union of India and others..... Respondents.

Hon'ble Mr. Justice U.C.Srivastava- V.C.  
Hon'ble Mr. K. Obayya - A.M.

(By Hon'ble Mr. Justice U.C.Srivastava-V.C.)

By means of this application the applicant has prayed that the direction may be issued to the respondents to fix his pay at Rs.70/- per month as on 1.3.1943 by granting him two advance increments of Rs. 4/- each as incentive for having passed the departmental examination in terms of the letter dated 7.6.41 by the Military Accountant addressed to all Controllers and consequential arrears of pay together with compound interest amounting to Rs. 2,46,535=94 P. may be given to him and they may also be directed to pay to the applicant a sum of Rs. 620=80 P. together with compound interest at 12% per annum as per details of arrears of pay. The applicant who passed the Emergency Unit Accountant's Examination could not get this increment which was claimed by him on the ground that he was not entitled to it. He has been making representations against the same, but no action was taken by him even before the date of his retirement. He was retired in the year 1971.

2. An objection has been raised on behalf of the respondents that the case of the pay scale claimed by the applicant is barred by time. Learned counsel for the applicant has drawn our attention to the letter dated 3.4.89 conveying him that the decision of the President of India dismissing his appeal. So far as his case is concerned it has clearly been provided

therein that the matter is old and time barred and the same is rejected. So far as the transfer ~~is~~ liability is concerned, it has <sup>been</sup> ~~been~~ that a reference is made to the office for examining the case, meaning thereby the case is still alive and the office is directed to re-consider the case. As the previous case is barred by time, it is not possible for the tribunal to re-open the matter for which the cause of action accrued in the year 1943. Successive representations made before the retirement and after retirement cannot confer jurisdiction for Tribunal and accordingly the prayer for the same has got to be rejected on the ground as it is time barred and cannot be re-opened by the Tribunal. So far as the transfer allowance is concerned the matter is still pending and it is expected that the respondent will take a decision in this behalf as per directions expeditiously within four months. We ~~are~~ however make it clear that it is for the Government to grant any pay scale to the applicant even after retirement and no observation can be made by us. With the above observations the application ~~is~~ stands disposed of finally with the above observations. No order as to the costs.

  
Member (A).

  
Vice Chairman.

Dt: June 26, 1992.

(DPS)