

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

ORIGINAL APPLICATION NO: 48012003.

this, the 16th day of October 2003.

HON. MR. R.K. UPADHAYAY MEMBER(A)

HON. SMT. MEERA CHHIBBER MEMBER(J)

D.R. Fredrick aged about 61 years, Son of Sri R. Fredrick,  
Resident of 367, Aradhana Udayan Jheel, Sector-1, Eldico II,  
SGPGI Road, Lucknow-25.

....Applicant.

BY Advocate Shri Manoj Misra.

VERSUS

1. Union of India, through Secretary, Ministry of  
Railway, Government of India, New Delhi.
2. General Manager, North Eastern Railway (NER),  
District-Gorakhpur.
3. Divisional Railway Manager (Mech), North Eastern  
Railway (NER) Lucknow.
4. Divisional Accounts Officer, North Eastern  
Railway (NER) DRM Office, Ashok Marg, Lucknow.

....Respondents.

BY Advocate Shri S. Verma.

ORDER (ORAL)

BY SMT. MEERA CHHIBBER MEMBER(J)


By this O.A., the applicant has sought following relief(s):-  
(1) the Hon'ble Tribunal may be pleased to direct the  
opposite parties to pay the arrears of salary w.e.f. 1982  
to 1999 to the applicant by fixing the pay scale of the  
applicant after including the three annual increments w.e.f.



1972-1982 and also thereon interest of 12% per annum.

(2) the Hon'ble Tribunal may further be pleased to direct the opposite parties to re-fix the pension of the applicant according to fixing salary after including three annual increments w.e.f. 1979-82."

2. It is submitted by the applicant that he was initially appointed as Engine Cleaner on 21.6.66 and was promoted to the post of Fire Man 'B' in the year 1976. In 1979, applicant was reverted to the post of Engine Cleaner. The applicant filed an appeal against the reversion order and the appellate authority passed an order modifying the earlier order of reversion and applicant's reversion was stayed but annual increments were withheld for three years temporarily, and his seniority was also maintained as earlier. Order dated 22.8.80 is annexed as Annexure No. 1 to the O.A. It is submitted by the applicant that after three years, his increments were not included in salary. As a result of which, he <sup>is</sup> suffering a loss every month. Therefore, he gave a number of representations. The copy of the representation dated 15.5.97 is annexed as Annexure No. 2 to the O.A., but till date he has not been given any reply on the said representation. It is further submitted by the applicant that since he was declared medically unfit and he was retired after <sup>he was</sup> decategorized on 9.8.99 and even after the retirement, he gave a representation 22.7.2001, but the same has not been decided till date. He has referred to subsequent representation also and has submitted that since, respondents have not considered his representations, a direction may be given to the respondents to decide his representations by a reasoned and speaking order.



3. We have heard the applicant's counsel as well as perused the pleadings available on record. Perusal of the order dated 22.8.80 shows that, the appellate authority had modified the punishment as under:-

" Fireman II in grade Rs. 210-270/- for a period of three years without loss of seniority".

This order nowhere states that this reduction is temporarily <sup>or for</sup> all times to come. Since, the basic grievance of the applicant in this case is that his pay was reduced temporarily for a period of three years, <sup>or</sup> ~~onus~~ was <sup>on</sup> applicant to first show that this order was for a temporarily <sup>for</sup> period. Since, the order does not show this was a temporarily <sup>for</sup> period. The basic claim of the applicant is not sustainable in law. even otherwise this order was passed as back as on 22.8.1980. Therefore, after expiry of three years period, if at all applicant had any grievance, he ought to have approached the authorities concerned <sup>or</sup> the court ~~within~~ specified time <sup>of</sup> limitation, as prescribed under Section 21 of the AT ACT 1985. Section 21 of the AT ACT 1985, stipulates ~~is~~ one year period to approach the Tribunal from the date of cause of action and in case, representation is filed and the same is not decided, then within 18 months from the date of cause of action. ~~In~~ the present case, applicant has only stated he kept on giving representations. ~~There is~~ It is well settled law, that repeated representations do not extend the limitation. Therefore, this O.A. is clearly barred by limitation as it has been filed on 14.10.2003. The applicant has not <sup>even</sup> moved any application seeking condonation of delay. In the case of Ramesh Chand Sharma Versus Udham Singh Kamal, the Hon'ble Supreme Court has held that if an application is filed beyond limitation period, and no application has been filed for seeking condonation of delay, the Tribunal cannot even entertain such petition. This judgment is reported in 1999 (1) Supreme Court Cases-304.



4. In view of the above, the O.A. is dismissed at the admission stage itself. No order as to costs.



MEMBER(J)



MEMBER(A)

LUCKNOW: DATED: 16.10.2003.

V.