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CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW DELHI~~
NEW BOMBAY BENCH

O.A. No. 154/88
~~T.A.xNo.~~

198

DATE OF DECISION 18.4.1988

Shri C.R.Kalamkar Petitioner

Shri S.B.Lambhate Advocate for the Petitioner(s)

Versus

General Manager, Central Railway,
Bombay V.T. and another Respondents

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. J.G.Rajadhyaksha, Member (A)

The Hon'ble Mr. M.B.Mujumdar, Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614.

O.A.No. 154/88

Shri Chimanrao Bambhau Kalamkar,
Thange Chawl, Karnik Road,
Kalyan,
Dist. Thane.

Applicant

v/s.

1. General Manager,
Central Railway,
Bombay V.T.

2. Divisional Railway Manager,
Central Railway,
Bombay V.T.

Respondents

CORAM : Hon'ble Member (A) Shri J.G.Rajadhyaksha
Hon'ble Member (J) Shri M.B.Mujumdar

Appearance :

Mr.S.B.Lambhate
Advocate
for the applicant

ORAL JUDGMENT

Dated: 18.4.1988

(PER: M.B.Mujumdar, Member (J))

Heard Mr.S.B.Lambhate, the learned advocate for
the Applicant as also the applicant.

2. In 1944, the applicant was appointed as Commercial Clerk in Central Railway. In August, 1972 he was promoted from the post of Sr.Clerk to Head Coaching Clerk. On 16.8.1976 his junior Shri M.R.Shinde was promoted as Head Coaching Clerk. The applicant retired on superannuation on 31.10.1981, when he was working as Head Coaching Clerk. The same Mr.M.R. Shinde succeeded him. It is the case of the applicant that at that time he came to know that Shinde was getting more pay than him, though he was junior to him ^{and} ~~also~~ was also promoted after him.

3. On 26.2.1988, the applicant has filed this application requesting that his pay should be stepped up from 1976 onwards..

when his junior Shinde was promoted and was given more pay than him. He has also requested for fixing his pay and pension afresh and for giving him arrears accordingly.

4. We find that the applicant's request is hopelessly time barred apart from having no merits. Mr. Lambhate stated that the applicant had made a representation for the first time after his retirement on 1st April, 1987. Reply to that representation was sent on 5.10.1987 by the DRM's Office Bombay V.T. By that reply the applicant was informed that Shinde's pay was more because he was granted additional increment as he had remained loyal to the Railways during the Railway strike in May, 1974. Along with the reply a statement showing the pay of the applicant as well as ^{of} Shinde is attached, which shows how the pay of the applicant and Shinde was fixed from time to time and on promotion and thereafter. The applicant did attend the Pension Adalat which was held by the Central Railway and at that time also he was told as to why Shinde's pay was fixed higher than him. We do not find any flaw in the reply of the respondents dated 5.10.1987.

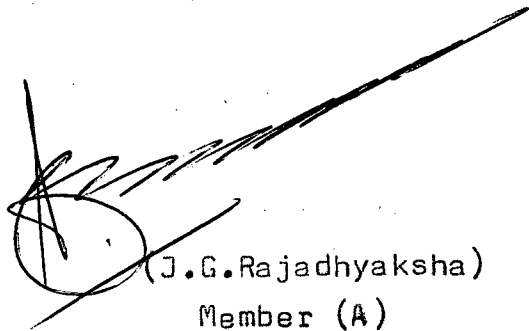
5. Apart from this, the grievance of the applicant is that Shinde was given more pay on his promotion in August, 1976 though he was junior to him. For this grievance the applicant should have approached some Court within a reasonable period from August, 1976. It is the case of the applicant that he came to know that Shinde was given higher pay after he i.e. the applicant retired and was relieved by Shinde in 1981. But even after his retirement the applicant did not make any representations within a reasonable period. He made a representation for the first time on 1.4.1987 i.e. almost 6 years after his retirement. Hence the reply given

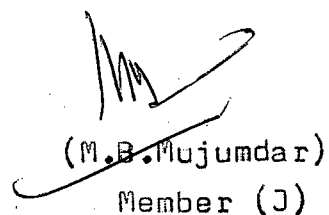
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by respondent dated 5.10.1987 will not save the present application from the clutches of limitation.

6. We, therefore, hold that the application is hopelessly time barred. It is also without any merits. Hence, we reject the application summarily under Section 19(3) of the Administrative Tribunals Act, 1985.


(J.G. Rajadhyaksha)
Member (A)


(M.B. Mujumdar)
Member (J)