

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No:

Transfer Application No: 314/86

DATE OF DECISION 23.2.1993

Shri V.P.Raste

Petitioner

Shri S.B.Kasar

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri R.K.Shetty

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice S.K.Dhaon, Vice Chairman

The Hon'ble Shri Ms. Usha Savara, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

ND

S.K.Dhaon
(S.K.Dhaon)
Vice Chairman

NS/

(14)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

TR.A.NO. 314/86

Shri Vinayak Prabhakar Raste

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Ms. Usha Savara

Appearance

Shri S.B.Kasar
Advocate
for the Applicant

Shri R.K.Shetty
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 23.2.1993

(PER: S.K.Dhaon, Vice Chairman)

This suit has been transferred to this Tribunal under Section 29 of the Administrative Tribunals Act. It was instituted on 6.3.1985 in the court of Civil Judge, (J.D.) Bhusawal and registered as Civil Suit No. 57/1985.

2. The plaint allegations are these. The plaintiff joined the erstwhile G.I.P. Railway on 25.5.1943 as a Clerk and retired as Chief Clerk in the grade of Rs.550-750 from the Senior DCS's Office Central Railway Bhusawal on 31.1.1981. One post of Office Superintendent Grade Rs.700-900 was sanctioned with retrospective effect from 1.10.1980 permitting ad-hoc promotions but without payment of arrears. The plaintiff worked as Office Superintendent at Bhusawal from 1.11.1980 and he was paid accordingly. Another post in the grade of Rs.700-900 was available at Bhusawal and the plaintiff being the senior most was entitled for the said post from 1.11.1980. He was appointed as Office Superintendent and worked in that post from 1.11.1980. However, his pay was not fixed at Rs.700-900 from 1.11.1980 and, therefore, his retiral benefits too were not computed on that basis.

15

3. The relief claimed is that his pay may be fixed as Office Superintendent in the grade of Rs.700-900. The defendant ~~may~~ be ordered to pay the amount of Rs.2227.86 ps. as arrears of pay including other benefits etc. including interest at the rate of 12% per annum.

4. In the reply filed on behalf of the respondents, one of the pleas taken in the forefront is that the suit is barred by limitation. This suit having been transferred to this Tribunal, we will have to proceed on the footing that we are deciding the suit pending in the civil court. Section 3 of the Limitation Act will have to be kept in view while entertaining the suit and ~~while~~ examining the plea of limitation.

✓ 5. Having examined the ^{plaint} ~~suit~~ from all angles, we are satisfied that the cause of action atleast accrued in the year 1981 and, therefore, giving the maximum benefit to the plaintiff, the suit should have been filed within three years from the date of the accrued cause of action. The suit having ^{been} ~~been~~ filed in the year 1985 ^{was} ~~and~~, therefore, ~~patently~~ filed beyond a period of three years. In view of Section 3 of the Limitation Act, we have no alternative but to dismiss the suit as barred by limitation.

6. The suit is dismissed but without any order as to costs.

Usha Savara
(MS. USHA SAVARA)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN

mrj.