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CAT/J/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 674/89
~~XXXXXX~~

198

DATE OF DECISION 13.12.1989

Shri K.M.Naregal Petitioner

Applicant in person Advocate for the Petitioner(s)

Versus

Chief Secretary, Govt. of Goa, Respondent
Secretariat, Panaji, Goa.

Advocate for the Respondent(s)

CORAM

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

The Hon'ble Mr. M.Y.Priolkar, Member (A)

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*

[Handwritten signature]

(3)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA.No. 674/89

Shri K.M.Naregal
19/5 Gayatri Apartments,
Nagala Park,
Kolhapur 416 003.

... Applicant

v/s.

The Chief Secretary,
Govt. of Goa,
Secretariat,
Panaji, Goa.

... Respondent

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri M.Y.Priolkar

Appearances :

Applicant in person

ORAL JUDGMENT

Dated: 13.12.1989

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

The applicant who was working as Assistant Conservator of Forests with Govt. of Maharashtra was sent on deputation to Government of Goa, Daman & Diu to work as Assistant Conservator of Forests in 1963. By order dated 28.5.1965 passed by the Government of Goa, Daman & Diu, the applicant was promoted to officiate as Divisional Forest Officer (Working Plans) w.e.f. 7.4.1965. It was mentioned in the order that pending fixation of his pay as Divisional Forest Officer (Working Plans), he would continue to draw his grade pay and deputation allowance and other allowances granted to deputationists. By subsequent order dated 2.8.1966 of Government of Goa, Daman & Diu, the pay of the post of Divisional Forest Officer was fixed in the scale of Rs.700-1250, but this was not approved by Government of India. On the representation of the applicant dated 7.8.1971 he was informed by letter dated 7.8.1971 that the matter was still under consideration. In May, 1967 the applicant was repatriated. The applicant has retired as Divisional Forest Officer at the end of December, 1982.

2. The applicant has filed this application on 8.9.1989 claiming arrears of pay of Rs.7316.32 for the period from 7.4.65 to 31.5.1967.

3. We have just now heard the applicant in person at length.


4. It was admitted by the applicant that he did not make representation about grant of pay for the post of Divisional Forest Officer at any time between 1972 till his retirement at the end of December, 1982. Even after retirement he did not make any representation to the Government. But thereafter he had sent a representation dated 12.10.1986 to the Chief Justice of India and the Assistant Registrar of the Supreme Court has informed by letter dated 10.11.1986 that no action can be taken by the Supreme Court on that application. The applicant was, however, advised that he may contact the Secretary, Maharashtra Legal Aid and Advice Board (Law and Judiciary Department), Mantralaya, Bombay for the relief sought. Probably he has advised to approach the Board for legal aid. It appears that Maharashtra State Legal Advice Board wrote to the Legal Aid and Service Board of the Goa, Daman & Diu Board for considering the question of extending legal aid in the matter. A copy of this letter was sent to the applicant also.

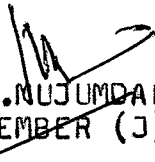
5. However, the legal position in this case is clear. As long back as in 1986 the Principal Bench of this Tribunal has held in V.K.Mehra V. The Secretary (Delhi), A.T.R. 1986 (1) C.A.T. 203 that the Act does not vest any power or authority in the Tribunal to take cognizance of a grievance arising out of an order made prior to 1.11.1982 and in such a case there is no question of condoning the delay in filing the application.



This view is upheld by this Bench in Ahmed Mia v. Union of India, ATR 1989 (CAT) II 260 as well as by other Benches of this Tribunal.

6. Hence, without entering into the merits of the case, we hold that the application is barred by limitation as the cause of action for higher pay arose in May 1967 when the applicant was repatriated to the Govt. of Maharashtra. Hence, the application is rejected summarily.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.B. MUJUMDAR)
MEMBER (J)

Judgment dtd. 13.12.89
send to parties
on 25.1.90.

Atkool