

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

CAMP : NAGPUR

O.A. No. 439/89

~~XXXXXX~~

198

DATE OF DECISION 26.3.1990Shri N.D.Wahora PetitionerShri M.M.Sudame Advocate for the Petitioner(s)

Versus

Union of India & Ors. RespondentsShri Ramesh Darda Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.S.Chaudhuri, Member (A)

The Hon'ble Mr. J.P.Sharma, Member (J)

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 ?

Yes

y/p

(S)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

CAMP : NAGPUR

OA.NO. 439/89

Shri N.D.Wahora

... Applicant

vs.

Union of India & ers.

... Respondents

CORAM: Hon'ble Member (A) Shri P.S.Chaudhuri
Hon'ble Member (J) Shri J.P.Sharma

Appearances :

Mr. M.M.Sudame
Advocate
for the Applicant

Mr. Ramesh Darda
Advocate
for the Respondents

ORAL JUDGMENT

Dated: 26.3.1990

(PER: P.S.Chaudhuri, Member (A))

This application under Section 19 of the Administrative Tribunals Act was filed on 28.6.1989.

2. The applicant is an employee of the National Civil Defence College, Nagpur where he is presently working in the post of Librarian. His grievance is that the scale of pay allotted to this post of Librarian after the 3rd Pay Commission was only Rs.330-560 whereas, according to him, it should have been Rs. 425-700. This claim is based on the recommendations of the 3rd Pay Commission in terms of which posts of Librarian were graded in Levels I, II, III, IV (A), IV (B) and V. It is the applicant's case that he should have been allotted Level IV(B) in which the pay scale was Rs. 425-700 on the ground that the educational qualification for this level as also the nature of duties required to be performed conform to the educational qualifications possessed by him and the duties which he is required to perform.

3. As the material facts were available before us, we heard the application with the assistance of Mr. M.M.Sudame, learned advocate for the applicant and Mr. Ramesh Darda, learned advocate for the respondents.

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4. Being aggrieved ^{at} the non-allotment of ^{the} scale of Rs. 425-700 the applicant ^{submitted} ~~filed~~ an application ^{to the authorities} on 21.6.1973. There was correspondence in regard to this application and it was ultimately rejected by a letter dated 11.9.1980 which was produced before us by Mr. Darda and which has been shown by him to Mr. Sudame. The applicant made further representations in 1986 and 1988 but these were too rejected, the last rejection being a letter by a letter dated 9.10.1988.

5. We do not see how this application can possibly come within our jurisdiction. The relief prayed for by the applicant is : "That the honourable Tribunal may kindly issue necessary directions to Respondents to place him in the scale of Rs. 425-700 in Level IV(B) Librarian w.e.f. 1.1.1973, on the basis of the classification made by the 3rd Pay Commission in its report Volume I, Chapter 20, page 235 laying emphasis on the educational qualification and experience criterion notified in the Recruitment Rules for recruitment to the post of Librarian, attainments of the applicant and duties and responsibilities entrusted".

And connected and consequential reliefs. This relief relates to the year 1973. In V.K.Mehra v. The Secretary, Ministry of Information & Broadcasting, New Delhi - ATR 1986 CAT 203 - with which we are in respectful agreement, it has been held that "the question is not at all one of condoning the delay in filing the petition. It is a question of the Tribunal having jurisdiction to entertain a petition in respect of grievance arising prior to 1.11.1982." In this view of the matter, we are of the opinion that the relief claimed in the application is hopelessly belated and stale. We also do not see how the applicant's M.P.No. 150/90 for condonation of delay can survive when in V.K.Mehra's case it has been held that we do not have such a jurisdiction.

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6. We may also refer to the decision of a 7 judge Bench of the Supreme Court in S.S.Rathore v. State of Madhya Pradesh - AIR 1990 SC 10. In this it has been held that "repeated unsuccessful representations not provided by law are not governed by this principle". It has also been held that "submission of just a memorial or representation to the Head of the establishment shall not be taken into consideration in the matter of fixing limitation."

7. In this view of the matter we see no merit in this application.

8. We, accordingly, hold that the application, as well as M.P.No. 150/90, be rejected in limine in terms of Section 19 (3) of the Administrative Tribunals Act, 1985. In the circumstances, of the case there will be no order as to costs.

J. P. Sharma

(J.P. SHARMA)
MEMBER (J)

P. S. Chaudhuri

(P.S. CHAUDHURI)
MEMBER (A)

Judgment dtl. 26.3.90

Sent to parties

on 28.5.90.

Alkali

Judgment dt 26.3.90
Served on p. No. 1 to 3 on
dt - 1.6.90

no
01/6/90