

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO:1107/1996
DATED THE 29TH DAY OF OCT, 2001**

**CORAM:HON'BLE SHRI S.L.JAIN, MEMBER(J)
HON'BLE SHRI M.P.SINGH, MEMBER(A)**

Mr. Patrick Fernandes,
(retd CLI, Bombay Central,
Western Railway),
Residing at 703, Taboot Street,
Camp, Pune 411 001. ... Applicant

By Advocate Shri S.N.Pillai

V/s.

1. Union of India, through
the General Manager,
Western Railway, Churchgate,
Mumbai. ... Respondent

By Advocate Shri V.S.Masurkar

(ORAL) (ORDER)

Per Shri S.L.Jain, Member(J)

This is an application under section-19 of the Administrative Tribunals Act 1985 for a direction to the respondents to step up the pay of the applicant at par with Mr.Darashaw R with effect from 3/9/1986 with consequential benefits including arrears of pay refixation of pension and pensionary benefits.

2. The applicant's grievance is that Shri Darashaw R's pay was fixed at Rs.2450/- with effect from 1/1/1986, Rs.2525/with effect from 1/11/86 while his pay as on 1/1/86 was Rs.2900 and w.e.f. 1/1/87 was Rs.2975/-. Both of them were fixed at Rs.3200/- w.e.f. 22/6/86. Shri Darashaw R was in the cadre of CPCR/BL promoted and his pay is fixed in the Grade of Rs.2375-3500 with effect from 3/9/86 at Rs.3300/-. As such applicant states that his pay ought to have been raised in view of fixation of Pay of Darashaw R.

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3. The applicant represented the matter vide his letter dated 20/10/90 and 21/1/91. Thereafter, the applicant represented vide letter dated 21/1/91. Thereafter, a legal notice dated 6/11/92 appears to have been served. The said letter dated 20/10/90 and notice are not placed on record. During the course of the arguments, we asked the learned counsel for the applicant to produce the copy of said letters and notice but he failed to produce the same.

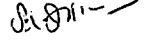
4. Perusal of letter dated 21/1/91, Exhibit A-4 (page-15 of the OA) makes it clear that the applicant had made representation in this respect. The respondents' reply which is dated 16/12/92, Exhibit-5 (Page-16) is on record. Thereafter, the applicant further represented the matter vide representation dated 27/1/93, 7/3/94, 17/11/94. Respondents replied vide letter dated 30/3/95, 25/12/95, 23/4/96 and 27/5/96. The learned counsel for applicant had stated in OA that the application is made within the period of limitation prescribed under the rule. He claims that the reply of the respondents dated 30/3/95 and 25/12/95 by which it is stated that the case is under consideration gives him a fresh cause of action. Suffice to say that it is not the reply of the respondents which gives the applicant a cause of action but it is the grievance of the applicant which gives cause of action. The grievance commences from 20/7/90 hence the cause of action arose to him on 20/7/90 and he has taken steps in this respect on 21/1/91 if not earlier on 20/10/90.

5. Respondents have replied vide their letter dated 3/4/96 and 27/5/96. On perusal of para - 1 of the OA the said letters are challenged by the applicant but no relief is sought in respect of same in relief clause. As no relief is sought the matter cannot be considered.

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6. We do not find that applicant's grievance is within the period prescribed by limitation, hence OA deserves to be dismissed and is accordingly dismissed. No order as to costs.


(M.P.SINGH)
MEMBER(A)


(S.L.JAIN)
MEMBER(J)

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