

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 349/2000

Date of Decision : 30.11.2000

S.V.Vaja _____ Applicant.

Advocate for the
Applicant.

VERSUS

Union of India & Ors. _____ Respondents.

Shri V.S.Masurkar _____ Advocate for the
Respondents.

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

- (i) To be referred to the Reporter or not ?
- (ii) Whether it needs to be circulated to other Benches of the Tribunal ?
- (iii) Library

} No

S.L.Jain
(S.L.JAIN)
MEMBER (J)

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.349/2000

Thursday this the 30th day of November, 2000.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Shantilal Vira Vaja,
Retd. Police Officer,
Gandhi Para, at Diu,
P.O. DIU.

... Applicant

V/S.

1. The Union of India
through The Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
2. The Administrator,
Union Territory of Daman
& Diu and Dadra Nagar Haveli,
Administrator's Secretariat,
Fort Area, Moti Daman.
3. The Inspector General of Police,
U.T. of Daman & Diu,
P.O. Daman.

... Respondents

By Advocate Shri V.S.Masurkar

ORDER (ORAL)

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

This is an application under Section 19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to pay to the applicant the salary as per the pay scale attached to the post of PSI for the period the applicant served as PSI on adhoc basis from 1.8.1997 till 11.11.1999 after

deducting the salary paid to him as Assistant Sub Inspector along with the allowances as per rules and interest at the rate of 12% p.a.

2. The facts are not in dispute. The applicant was promoted from the post of Assistant Sub Inspector to the post of Police Sub Inspector on 1.8.1997 vide Annexure-'A-1', retired on 11.11.1999 and the salary as Assistant Sub Inspector was paid to him.

3. On perusal of the written statement, I find that the respondents have alleged that the applicant after taking voluntary retirement in the month of November, 1999 has submitted a representation dated 17.11.1999 which is under active consideration by the respondents. The application suffers from delay and laches since the cause of action arose in 1997.

4. As the salary for the earlier month becomes due and is payable on first of the next month, the salary for the month of August, 1997 becomes due on 1.9.1997. Similarly, for other period till 30.4.1999, the salary becomes due and is payable on 1st of every next month. As the OA. has been filed on 29.5.2000, any amount payable to the applicant ^{on or before} 1.5.1999 has become barred by time, as the period prescribed for filing the OA. is one year. It is true that the applicant has represented the matter vide

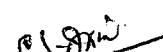
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representation dated 17.11.1999 but under the service law such representations is not necessary one. Hence, it cannot be said that by the said representation which is not decided, the cause of action which has accrued in favour of the applicant is revived.

5. In the result, OA. is partly allowed. The respondents are ordered to pay to the applicant the difference of salary and allowances for the post of Assistant Sub Inspector and Police Sub Inspector from 1.5.1999 till his retirement with interest @ 12% p.a. with cost amounting to Rs.650/- (Rs.500/- as legal practitioner's fee + Rs.150/- as other expenses) within two months from the date of receipt of the copy of order. 

6. After representation and OA. being filed, the respondents failed to consider the rightful claim of the applicant. The respondents are expected to investigate the matter, lay hands on the defaulting officials and proceed in accordance with the law.


(S.L.JAIN)

MEMBER (J)

mrj.