

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH

Dated this Tuesday the 17th day of June, 2003

Coram: Hon'ble Mr.V.K.Majotra - Member (A)  
Hon'ble Mr.Shankar Raju - Member (J)

O.A.46 of 2000

Mrs.Ganga G.Siddheshwar,  
R/o Sadhana, 1st Floor,  
Postal Housing Society,  
Ramwadi, Naupada, Thane.

(None for applicant)

Versus

1. Director General of Naval Project,  
Accommodation Complex Building,  
Lion Gate, Naval Dockyard,  
Mumbai - 400 023.

2. Chief Engineer, HQ,  
Southern Command,  
Pune - 411 011.

3. The Engineer-in-Chief,  
Br. ( 1-C),  
Army Headquarters, DHQ, PO  
New Delhi-110 011.

4. Union of India through  
the Secretary,  
Ministry of Defence,  
Parliament Street,  
New Delhi-110001.

-Respondents

(By Advocates Shri V.S. Masurkar and Sh. R.K. Shetty)

ORDER (ORAL)

Mr. Shanker Raju, Member (J):

None appered for applicant even on the second call. On the last date of hering also none has appeared for applicant. The OA is, therefore, disposed of in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987.

2. Applicant who retired voluntarily from service on 31.7.1989 as Stenographer-I has sought extension of benefit of the letter dated 6.2.89 for upgradation and higher pay scale of Senior Personal Assistant (SPA) w.e.f. 5.10.1987 with all consequential benefits alongwith revision of terminal benefits.

(2)

3. Applicant, who was promoted as Stenographer Grade-II on 5.10.87 was promoted as SPA in the pay scale of Rs.1640-2900. Applicant has sought voluntary retirement w.e.f. 31.7.89 and at that time she was drawing salary at Rs.2240/-. On appointment of 4th Central Pay Commission increase in the pay scale has been recommended w.e.f. 1.1.1986 and by a letter dated 6.2.89 entitlement of officers for stenographic assistance was revised and posts of Stenographer were upgraded. As applicant was a SPA attached to the office of Director General of Naval Project, she is alleged to have been entitled to the pay scale of Rs.2000-3200.

4. In OA No.729/92 - Shyam Jagannath Vaidya v. Union of India & Others decided on 8.8.1995 by this Court directions have been issued to extend the benefit of letter dated 6.2.89 to applicants and upgrade them to the higher scale w.e.f. 1.1.86. Applicant came to know of this and preferred a representation which was not dispose of, giving rise to the present OA.

5. It is contended in the OA that applicant has been arbitrarily discriminated and has been deprived of recommendations of the 4th Pay Commission w.e.f. 6.2.89 which was a date anterior to the date of her retirement.

6. Applicant has also filed MA-268/2000 for condonation of delay on the ground that she has been representing her cause but without any avail and seeks benefit of the extension of the judgment which in all fours covers her case.

7. On the other hand, respondents counsel denied the contentions and took a preliminary objection

contending that applicant is seeking relief w.e.f. 5.10.1989 by filing this OA on 16.10.99. As at the time of retirement she was neither Stenographer Grade-I nor SPA and was officiating she does not acquire a permanent status and is not entitled for the relief. It is contended that the Apex Court in E. Paramashivan v. Union of India, 2002 (5) SLR 307 in case of a retiree dismissed the petition for delay and laches in the matter of fixation of pay.

8. We have carefully considered the pleadings on record and the contentions put-forth by the learned counsel for respondents. The ground for condonation of delay as to coming into knowledge of a similar decision and filing representations at the belated stage would not extend the period of limitation as held by the Apex Court in State of M.P. v. S.S. Rathore, AIR 1990 SC 10.

9. Moreover, in Paramashivan's case (supra) as applicant has not taken up her matter immediately after retirement and come before this Tribunal after a delay of about 12 years, even in case of pay fixation limitation applies. Having failed to raise this dispute at the appropriate time OA is barred by delay and laches. We do not find any good ground to condone the delay.

10. In the result, for the foregoing reasons, OA is dismissed as barred by limitation. No costs.

*S. Raju*

(Shanker Raju)  
Member (J)

'San.'

*V.K. Majotra*

(V.K. Majotra)  
Member (A)