

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
ORIGINAL APPLICATION NO: 24/2001
DATED THE 20TH DAY OF AUGUST, 2001

CORAM: HON'BLE SHRI JUSTICE ASHOK C AGARWAL, CHAIRMAN
HON'BLE SHRI G.C. SRIVASTAVA, MEMBER(A)

Shri M.S. Kokad,
working as Train Conductor,
Bhusawal Division, C.Rly,
Residing at Rly.Qr.No.RBII/627/D,
Yeola Road, Manmad,
Dist.Nasik (M.S.)
Pin - 423 104.

... Applicant.

By Advocate Shri R.D. Deharia

V/s.

1. Union of India Through
The General Manager, C.Rly,
H.Q. Office, C.S.T. Mumbai,
Pin - 400 001.
2. The Divisional Railway Manager,
Divisional Office, C.Rly,
Bhusawal, Pin - 425 201.
3. Shri T.N. Bhosale,
Senior Divisional Personnel Officer,
C.Rly, Divisional Office,
Bhusawal,
Pin - 425 201.

... Respondents.

By Advocate Shri R.K. Shetty

(ORAL)(ORDER)

Per Justice Ashok C Agarwal, Chairman

It is the case of the applicant that while he was working as a Head TTE, he was officiating as Train Conductor with effect from 6/7/92 till 23/6/98. Thereafter he was promoted on regular basis after being duly selected with effect from 24/6/98.

2. By the present OA, he claims the difference of salary in view of his officiating as a Train Conductor during the period

....2.

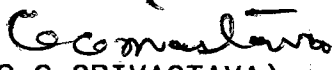
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6/7/92 to 23/6/98. In this behalf he had sent his representation on 17/9/96 at Annexure A-4. He has sent reminders on 16/1/97, 8/8/97 and 27/10/97 vide Annexure 6,7 and 8. He has instituted the present OA on 5/1/2001.

3. Present relief is resisted by and on behalf of respondents on the ground that the same is hopelessly barred by limitation. ^{Repelled by the applicant} The aforesaid contention is ^{made} sought by placing reliance on communication of 7/1/2001 at Annexure A-1, whereby the aforesaid claim has been rejected.

4. In our opinion, the claim for payment of the salary of Train Conductor arose during the period 6/7/92 to 27/6/98. Applicant has submitted his representations claiming the said ^{during the period} payment between 17/9/96 to 27/10/97. When no relief ~~has been~~ was granted in consequence of his representations, this cause of action had duly arisen. ~~The himself at that stage~~ ^{He} ought to have approached this Tribunal within the period prescribed from the date when these representations ~~were~~ sent. The communication of 7/1/2001 has no relevance for determining the period of limitation. It is not addressed to the applicant but addressed to the Labour Enforcement Officer. Proceedings and negotiations before the Labour Enforcement Officer would not extend the period of limitation.

5. Present OA in the circumstances is dismissed as barred by limitation. No order as to costs.


(G.C. SRIVASTAVA)
MEMBER(A)


(ASHOK C AGARWAL)
CHAIRMAN

abp