

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
@oooooooooooo@

Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 25-9-87

APPLICATION NO 1965

/86(F)

W.P. NO

Applicant

Shri Albert Lobo

V/s The GM, Southern Railway, Madras & another

To

1. Shri Albert Lobo
Lorry Driver
Office of the Chief Engineer
(Construction)
Southern Railway
18, Miller's Road
Bangalore
2. Shri N. Basavaraju
Advocate
18, Kurubara Sangha Building
Gandhinagar
Bangalore - 560 009

3. The General Manager
Southern Railway
Park Town
Madras - 3
4. The Chief Engineer (Construction)
Southern Railway
18, Miller's Road
Bangalore
5. Shri M. Sreerangaiah
Railway Advocate
3, S.P. Buildings, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~EXRAY~~/
~~ORDER~~ passed by this Tribunal in the above said
application on 17-9-87.

Hall
For DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

Encl : as above

RECEIVED *five a.m. 28/9/87*

Diary No. 1191/ce/87
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CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 17TH DAY OF SEPTEMBER, 1987

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri L.H.A. Rego, Member (A)

APPLICATION NO. 1965/86

Shri Albert Lobo,
s/o John Lewis Lobo,
Major,
Lorry Driver,
O/o the Executive Engineer,
Southern Railway,
Bangalore.

.... Applicant.

(Shri N. Basavaraju, Advocate)

v.

1. Union of India
represented by
General Manager,
Southern Railway,
Park Town,
Madras.

2. Chief Engineer, (Construction),
Southern Railway,
No.18, Millars Road,
Bangalore.

.... Respondents.

(Shri M. Sreerangaiah, Advocate)

This application having come up for hearing to-day,
Vice-Chairman made the following:

ORDER

This is an application made by the applicant under
Section 19 of the Administrative Tribunals Act, 1985
('the Act').

2. In this application, the applicant is claiming for
difference of salary for the period from 26.6.1978 to
26.5.1979 between the post of a Driver and that of a Gangman.

The claim is founded on the ground that during the said period, he had actually discharged the duties of a driver, but he has been paid only the salary and allowances attached to the post of a Gangman.

3. In their reply, the respondents have, inter-alia, urged that this application made by the applicant on 3.12.1986, claiming reliefs for a period prior to 1.11.1982, cannot be entertained and adjudicated by this Tribunal under Section 21 of the Act. Shri M. Sreerangaian, learned counsel for the respondents, urges this as a preliminary objection and relies on the ruling of the Principal Bench, of this Tribunal in V.K. MEHRA v. THE SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI (1986 (1) ATR 203).

4. Shri Basavaraju, learned counsel for the applicant refutes the contention of Sri Sreerangaiah and urges for adjudicating the claim on merits only.

5. We have earlier noticed that the claim of the applicant certains to a period prior to 1.11.1982. In MEHRA'S case, the Principal Bench, speaking through Justice K. Madhava Reddy, held that claims arising prior to 1.11.1982 cannot be adjudicated by the Tribunal under the Act. For the very reasons stated in MEHRA'S case, this application is liable to be dismissed, without examining the merits. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.

- True Copy -

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Sd/-
Vice-Chairman
(7/9/87)

Sd/-
Member (A)