

Registered.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 8-10-87

APPLICATION NO 1966 /86(F)

W.P. NO 1

Applicant B. Raghveera Vs Gm, S. Reys, Madras & anr.

To
1. Sri B. Raghveera,
No 2718, III Main,
V.V. Puram, Mysore-2.

2. Sri K. Raghavendra Rao,
Advocate,
No. 1G, II. Floor, S.S. B.Mutt Buildings,
Kempgonda Circle,
Bangalore - 560 009.

3. The General Manager,
Southern Railway,
Park Town, Madras.

4. The Chief Engineer (Construction),
Southern Railway,
No. 18, Nillies Road,
Bangalore.

5. Sri M. Bresangalik, Advocate,
3, SP Buildings,
10th Cross, Cottonpet, Bangalore-2.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/
INTERIM ORDER passed by this Tribunal in the above said
application on 28.9.87.

~~SECTION OFFICER~~
(JUDICIAL)

Encl : as above

8/2

RECEIVED *Scis 9-10-87*

Diary No. 275-CR/87

Entered Date: 12.10.87 *AM*

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 28TH 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. 1966/1986

Shri B. Raghuveera,
Retired Divisional Electrical
Engineer, Construction,
Southern Railway,
Bangalore.

.... Aplicant.

(Shri K. Raghavendra Rao, Advocate)

v.

1. The General Manager,
Southern Railway,
Park Town, Madras.
2. The Chief Engineer (Construction),
Southern Railway,
No.18, Millers Road,
Bangalore.

.... Respondents.

(Shri. Sreerangaiah, Advocate)

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

O R D E R



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

2. The applicant who initially joined service as an electrician was promoted as an Assistant Electrical Engineer ('AEE') from 21st August, 1976 on ad hoc basis and that from 2.2.1981 he was promoted to that post on a regular basis also. While working as an AEE on regular basis, he was promoted as a Divisional Electrical Engineer (DEE) from 11.3.1981. On

his promotion as DEE his pay was fixed at Rs.1200/- . He has retired from service on 31.12.1984.

3. The applicant claims that when he was promoted as DEE on 11.3.1981, his pay should have been fixed at Rs.1450/- instead of Rs.1200/- . As the respondents did not accede to the same the applicant has approached this Tribunal on 27.11.1986 for appropriate reliefs.

4. Sri K. Raghavendra Rao, learned counsel for the applicant contends that the pay of his client on his promotion as DEE on 11.3.1981, should have been fixed at Rs.1450/- instead of Rs.1200/- and that denial was illegal and unjust.

5. Sri M. Sreerangaiah, learned counsel for the respondents in refuting this contention of Sri Rao contends that this application filed on 27.11.1986 agitating a claim that arose prior to 1.11.1982 was not maintainable as ruled by this Tribunal in V.K. MEHRA v. SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI (ATR 1986 CAT 203).

6. We have earlier noticed that the claim of the applicant for fixation of pay relates to a period prior to 1.11.1982. The claim itself arose on 11.3.1981 when he was promoted and his pay was fixed at Rs.1200/- instead of Rs.1450/- .



7. In Mehra's case Justice K. Madhava Reddy, Hon'ble Chairman speaking for the Bench examining a similar claim had ruled that claims which arose prior to 1.11.1982 cannot be entertained and adjudicated by the Tribunal which came into being from 1.11.1985. In the light of the principles enunciated in Mehra's case this application cannot be entertained by us. Even otherwise ~~based~~ on grounds of delay and laches also the claim cannot be examined by us.

8. When once we find that the application itself cannot be entertained and adjudicated by this Tribunal, then the question of this Tribunal examining the merits of the claim does not arise. We, therefore, decline to examine the merits.

9. In the light of our above discussion, we hold that this application is liable to be dismissed. We, therefore, dismiss this application. But in the circumstances of the case, we direct the parties to bear their own costs.



Sd/-
Vice-Chairman 29/10/87

Sd/-
Member (A) 29/10/87

-True Copy-

np/Mrv.

[Signature]
SECTION OFFICER 16
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE