

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE

DATED THIS THE 14TH DAY OF AUGUST 1987

Present : Hon'ble Justice K.S.Puttaswamy, .. Vice-Chairman  
Hon'ble Shri B.N.Jayasimha .. Vice-Chairman

Application No.809/86(F)

Kumeran,  
S/o. Late V.Koman Nair,  
Thalichalam House,  
Elambachi P.O.  
Kasargod District,  
KERALA.

..... APPLICANT

(Shri K.N.Haridasa Nambiar, Advocate)

Vs.

1. Union of India by the  
Secretary for Defence,  
NEW DELHI.
2. The Commandant,  
Head Quarters,  
Madras Engineering Group and Centre,  
P.B.No. 4200,  
BANGALORE - 42.

... RESPONDENTS

(Shri M.S.Padmarajaiah, Advocate )

The application has come up for hearing before  
this Tribunal today. Hon'ble Justice Shri K.S.Puttaswamy,  
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.(Act).

2. On 12.5.1961 the applicant joined service  
as a Civilian Cook in the Defence Department of  
Government of India. Sometime in April 1976 the  
competent authority discharged the applicant from

.....2.....

service from 16.7.1973 on the ground of reduction in the establishment. But later the authorities having regard to the creation of posts and all other factors reappointed the applicant from 5.2.1977 in the very capacity he was formerly working. He retired from service on 31.8.1978, on medical grounds. On his retirement, the authorities have sanctioned him the pension admissible under the rules.

3. In this application made on 3.6.1986, the applicant has sought for a direction to pay him salary and allowance as if he had worked from 16.7.1973 to 5.2.1977 and to count that period also for the purpose of pension. In their reply the respondents have inter alia urged that the claim made relates to periods prior to 1.11.1982 and therefore this Tribunal cannot entertain the same under the Act.

4. Shri K.N. Haridasan Nambiar learned counsel for the applicant contends that the claim made by the applicant recognising the period from 22.3.1985 (Annexure M) on which day the claim of the applicant was rejected by the authority, was well in time and the claim made should be adjudicated on merits.

5. Shri M.S. Padmarajaiah, learned Senior Standing Counsel appearing for the respondents contends that this application in reality and substance challenges

orders made prior to 1.11.1982 and, therefore, this application as ruled by the Principal Bench of this Tribunal in V.K.Mehra V. Secretary 1986 ATR (Vol.I) 203 and reiterated by us in Application No. 46/87 in Kshama Kapur v. UOI decided on 12.6.1987, was not maintainable.

6. We have earlier noticed that the claim of the applicant relates to the period from 16.1.1973 to 5.2.1977. Without any doubt this claim of the applicant relates to a period prior to 1.1.1982. In Mehra's case the Principal Bench had ruled that orders made prior to 1.1.1982 cannot be adjudicated by the Tribunal under Section 19 of the Act. In Kshama Kapur's case we have also held that repeated representations made and replies given out of sheer courtesy and grace do not extend the period of limitation. Hence this application cannot be entertained by us. As the application itself cannot be entertained by us the question of examining the merits does not arise.

7. 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.

*K.S. Puttaswamy*  
K.S. PUTTASWAMY ( VICE-CHAIRMAN ) 14/8/87  
*B.N. Jayasimha*  
B.N. JAYASIMHA ( VICE-CHAIRMAN ) 14.8.87

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
@@@@@@@@@@@@@@@@

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

Dated : 17-8-87

APPLICATION NO 809/86(F) /86( )

~~XXXXXX~~

Applicant

Kumaran

V/s. The Secy, Min. of Defence & ar.

To

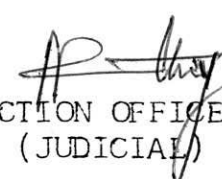
1. Kumaran,  
Thalichalam House,  
Elambachi P.O.  
Kasargod District,  
Kerala.
2. Shri. K.N. Haridasa Nambiar  
Advocate,  
No. 4, IV Cross, Balepet,  
Bangalore-560 053.
3. The Secretary,  
Min. of Defence,  
New Delhi.
4. THE COMMANDANT,  
Head Quarters,  
Madras Engineering Group & Centre,  
P.B.No. 4200,  
Bangalore- 560 042.
5. Shri. M.S. Padmarajaiah,  
Sr. Central Govt. Standing Counsel,  
High Court Buildings,  
Bangalore- 560 001.

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/

~~XXXXXX~~ ORDER passed by this Tribunal in the above said  
application on 14-8-87.

Encl : as above

  
SECTION OFFICER  
(JUDICIAL)

RECEIVED 18/8/87.

Diary No. 1013/CR/87

Date: 21-8-87

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*[Handwritten signature]*

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SECTION OFFICER  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE

Sd \_\_\_\_\_

K.S.PUTTASWAMY  
( VICE-CHAIRMAN )

Sd \_\_\_\_\_

B.N.JAYASIMHA  
( VICE- CHAIRMAN )

-True Copy-