

REGISTERED

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

Dated : 17<sup>th</sup> JUN 1987

APPLICATION NO 397 /87 (F)

W.P. NO \_\_\_\_\_

Applicant

Shri J. Amala Das

V/s The Chief Commissioner(Adm) &  
Commissioner of Income Tax, B'lore & another

To

1. Shri J. Amala Das  
No. 40, Nehrunagar  
Gadag Road  
Hubli - 580 020
2. Shri P.S. Manjunath  
Advocate  
"Sri Bhavana Thilaka"  
No. 4/2, Miller Road  
Bangalore - 560 052

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 10-6-87.

Encl : as above

SECTION OFFICER  
(JUDICIAL)

*please  
return to court  
17/6/87*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
DAY OF  
DATED THIS THE 10th / JUNE 1987

Present : Hon'ble Justice Sri I.S.Puttaswamy - Vice-Chairman  
Hon'ble Sri P.Srinivasan - Member (A)

APPLICATION No. 397/1987(F)

J.Amala Das,  
Income Tax Inspector(Retd.),  
No.40, Nehrunagar,  
Badag Road, Hubli - 580 020. ... Applicant  
( Sri P.S.Manjunath ... Advocate )

vs.

The Chief Commissioner (Adm.),  
and Commissioner of Income Tax,  
Karnataka I, Central Revenues  
Building, Queen's Road,  
Bangalore - 1.

The Central Board of  
Direct Taxes, Central  
Secretariat, North Block,  
New Delhi - 1.  
by its Secretary. ... Respondents

This application came up for hearing before  
this Tribunal to-day and Justice Sri I.S.Puttaswamy, Hon'ble  
Vice-Chairman made the following :

ORDER

Case called. Applicant in person. Shri P.S.  
Manjunath, learned Advocate files vakalatnama for the applicant.

2. In this application made under Section 19 of  
the Administrative Tribunals Act of 1985(Act), the applicant has  
sought for the following reliefs :-

"(i) to call for the records connected with the issue,  
peruse the same and issue a writ of mandamus directing  
the respondents to fix the pay of the Petitioner in  
Annexure 'A'

or

(ii) to fix the pay of the Petitioner at Rs.825/- p.m.  
as in Annexure 'B';

(iii) to grant consequential arrears from 14.02.1971  
with interest " till date ";



(iv) to grant costs of this Petition of the Petitioner in the interest of justice and equity."

Even though the office had not raised objections on limitation, we requested Shri Manjunath, to satisfy us on the jurisdiction of this Tribunal to entertain the application and the limitation involved in the same.

3. The reliefs claimed highlighted at the hearing discloses that the claims made by the applicant relate to periods prior to 1.11.82. If that is so, then as ruled by the Principal Bench in *J.K.Mehra Vs. Secretary, Ministry of Information and Broadcasting, New Delhi* ( 1985 ATR CAT 203 ) this application made before us as late as on 6.5.1987 cannot be entertained by us. We have therefore no jurisdiction to entertain and adjudicate the same.

4. We are also of the view that the last order conveyed by the Chief Commissioner on 2.2.1987 (Annexure K) rejecting one of his repeated representations of the applicant does not in any way help to hold that this application, to enforce claims that arose prior to 1.11.1982 can be entertained by us. Even otherwise the applicant is seeking to enforce stale claims that arose as early as on 14.2.71 and 1.2.82, which call for rejection on grounds of delay and laches.

5. In the light of our above discussion, we hold that this application is liable to be rejected. We therefore reject this application at the admission stage without notice to respondents.

( K.S.PUTTASWAMY )  
VICE - CHAIRMAN

( P.SRINIVASAN )  
MEMBER



SECTION OFFICE  
CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH  
BANGALORE  
17/6/87