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REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 18-11-87

APPLICATION NO 568 /87 (F)

W.P.No. _____

APPLICANT

Shri V.B. Bengeri .

To

Vs

RESPONDENTS

The Collector of Central Excise, Bangalore
& another

1. Shri V.B. Bengeri
Inspector of Central Excise
40/2, Main Road, Bengeri
Hubli - 580 023
2. The Collector of Central Excise
Central Revenue Building
Queen's Road
Bangalore - 560 001
3. The Secretary
Ministry of Finance
Department of Revenue
North Block
New Delhi, - 110 001
4. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER ~~XXXX~~

~~XXXXXX~~ passed by this Tribunal in the above said application
on 17-9-87.

Combed
18/11/87
(M Rao)
Encl: as above.

RECEIVED 3 cany 19/11/87

Diary No. 1446/87

Date: 19-11-87 *AV*

Jae
SECTION OFFICER
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH BANGALORE

DATED THIS THE 17th SEPTEMBER 1997

Present : Hon'ble Ch. Ramakrishna Rao - Member (J)
Hon'ble P. Srinivasan - Member (A)

APPLICATION No. 569/87

V.B. Bengeri - Applicant
Inspector of Central Excise
Office of the Collector of Central Excise,
Belgaum

(in person)

v

1. The Collector of Central Excise - Respondents
Bangalore
2. Union of India represented by the
Secretary to Govt of India,
Ministry of Finance, Department of Revenue
North Block, New Delhi

(Sri M.V. Rao, Addl C.G.S.C.)

This application came up for hearing to-day
before this Tribunal and Hon'ble Ch. Ramakrishna Rao,
Member (J) made the following

ORDER

In this application the applicant who is working
as Inspector of Central Excise at Belgaum prays that the
Respondents be directed to pay special pay to him for the
period 9.7.79 to 6.9.80 when he was working in the audit
party under the Deputy Collector of Central Excise &
Customs, Hubli. He made representations for grant of
special pay but they were rejected by the authorities
and hence this application.

2. Sri M.V. Rao raises a preliminary objection that
the cause of action in this case arose in 1980 and even
if the representations made by the applicant to the
Chairman, Central Board of Customs & Excise on 24.11.1991
is taken into account, which was actually rejected by the
Collector of Customs, Bangalore by his order dated 7.12.1991
(Annexure J in the paper book attached to the application),
...2



the application is barred by limitation. According to Sri Rao, the cause of action arose either in 1980 or on 7.12.1981, which was well before 1.11.1982. Sri Rao cites the decisions of the Delhi, Bombay and Bangalore Benches of this Tribunal holding that where a cause of action arose before 1.11.1982, this Tribunal has no jurisdiction to entertain the application by condoning the delay.

3. The applicant, who was present in person, submits that the representation dated 24.11.1981 was addressed to the Central Board of Customs and Excise and the Board rejected the representation only by their letter dated 19.8.86 (Annexure M). With reference to this last date the application should be considered to be within time.

4. Having heard both sides, we are inclined to agree with Sri Rao that this application relates to a cause of action which arose before 1.11.1982 and in accordance with the decisions rendered by the Delhi, Bombay and Bangalore Benches of this Tribunal, no application can be entertained by this Tribunal in regard to the said cause of action. The retrospective operation of the Administrative Tribunals Act, 1985 extends only to causes of action arising within three years prior to the establishment of the Tribunal as can be seen from Section 21 (2). No further retrospective effect can be given to the provisions of ^{the} Act, unless such operation is contemplated in the statute itself.

5. The applicant is claiming special pay for the period 1979-80. He may have represented to the higher authority on 24.11.1981 to which a



reply was given rejecting the same. His claim for special pay thus relates to a period long before 1.11.82 and even any grievance that he may have with the authorities, who rejected his claim wrongly also dates back to 1981. In view of this, we feel that this application has to be dismissed as incompetent.

6. In the result the application is dismissed as incompetent. Parties to bear their own costs.



bsg/-

Sd/-


MEMBER (J)

17.9.87

Sd/-

MEMBER (A)

-True copy-


SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE