

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

Dated: 14 Oct 87

APPLICATION NO

107 /87 (F)

W.P.No.

APPLICANT P.V. Purushothaman ^{Vs}

RESPONDENTS

Chief Administrator
Dandakaranya Development
Authority, Koraput & 20s.

To

1. Sri P.V. Purushothaman,
Driver for Diesel Fork lift Truck,
Government of India Text Book Press,
Mysore - 570 011.
 2. Sri S.G. Shenoy, Advocate,
47, 3rd Cross,
Malleshwaram,
Bangalore - 560003.
 3. The Chief Administrator,
Dandakaranya Development
Authority, Koraput (Headquarters),
ORISSA.
 4. The Dy. Secretary to the Govt. of
India Min. of Personnel & Training Administrative Reforms,
Public Grievances & Pensions, N. Block New Delhi - 110001.
 5. The Manager,
Govt. of India Text -
Books Press,
Mysore - 570 011.
 6. Sri M. Varadava Rao,
Advocate (CGSC),
High Court Buildings,
Bangalore-1.
- 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

5 Oct 87.

RECEIVED 6 copies 15/10/87

Diary No. 1303/CRL/87

Date: 15-10-87

Encl: as above.

DEPUTY REGISTRAR
(JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 5TH DAY OF OCTOBER, 1987.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L.H.A. Rego,

.. Member(A)

APPLICATION NUMBER 197 OF 1987

P.V. Purushothaman,
Son of late Vasu Kutty,
Driver for Diesel Fork Lift Truck,
Government of India Text Books Press,
Mysore 570 011.

.. Applicant.

(By Sri G. Ganesh Shenoy, Advocate)

v.

1. The Chief Administrator,
Dahdakaranya Development Authority,
Koraput (Head Quarters),
Orissa.

2. The Deputy Secretary to the Government
of India, Ministry of Personnel and Training,
Administrative Reforms,
Public Grievances & Pensions,
North Block, New Delhi-110 001.

3. The Manager,
Government of India,
Text Books Press, Mysore-570 011.

.. Respondents.

(By Sri M. Vasudeva Rao, Standing Counsel)

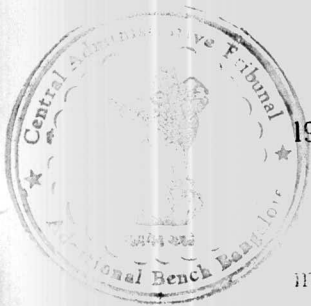
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This application coming on for hearing this day, Vice-Chairman made the following:

ORDER

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

2. The applicant who is now working as a Driver in the Government of India Press, Mysore claims for the benefit of revision of pay scales in accordance with the Third Pay Commission Recommendations from 1-1-1973. The applicant has urged that the claim



claim made by him has not been finally disposed of and the claim which is well founded in law, justice and equity should be accepted by this Tribunal.

3. In their reply, the respondents have urged that the claim of the applicant relating to a period that arose prior to 1-11-1932 cannot be adjudicated by this Tribunal.

4. Sri S.Ganesh Shenoy, learned counsel for the applicant, contends that the claim of the applicant arising from 1-1-1973 was well founded and cannot be denied in law, justice and equity.

5. Sri M.Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents, contends that the claim made by the applicant arising prior to 1-11-1932 cannot be adjudicated by this Tribunal as ruled by the Principal Bench of this Tribunal in *V.K.MEHRA v. SECRETARY, MINISTRY OF INFORMATION AND BROADCASTING, NEW DELHI* (ATR 1986 CAT 203) reiterated by this Bench in *Dr.(Smt.)KSHAMA KAPUR v. UNION OF INDIA* (A.No.43/37 decided on 12-3-1987).

6. We have earlier seen that the claim of the applicant for revision of pay scales arose as on 1-1-1973. We are not concerned with the reasons for the delay and the tardiness, if any, in the disposal of the application made by the applicant. But, the fact remains that the claim itself arose prior to 1-11-1932. In Mehra's case reiterated in *Dr.(Smt.)Kshama Kapur's* case, this Tribunal has held that claims arising prior to 1-11-1932 cannot be adjudicated by this Tribunal under Section 19 of the Act. In the light of the principles enunciated in Mehra's and *Dr.(Smt.) Kshama Kapur's* cases this application cannot be entertained by this Tribunal and no relief can be granted however legal, just and equitable it be.



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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.

Sd _____

VICE-CHAIRMAN

Sp/157

Sd _____

MEMBER(A)

15/11/87

np/

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE