

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.718/1994.

Wednesday, this the 28th day of February, 2001.

Coram: Hon'ble Justice Shri Ashok Agarwal, Chairman,
Hon'ble Smt. Shanta Shastry, Member (A).

Kushiram Rathod,
C/o. Rail Mazdoor Union,
Vachhraj Lane, Matunga,
Bombay - 400 019.
(By Advocate Shri M.S.Ramamurthy)

... Applicant.

Vs.

1. Union of India,
through the General
Manager, Western Railway,
Churchgate,
Bombay - 400 020.
2. Assistant Personnel Officer (Bills),
Western Railway,
Personnel Branch,
Churchgate,
Bombay - 400 020.
3. Assistant Accounts Officer,
(E & G), Headquarters,
Western Railway,
Churchgate,
Bombay - 400 020.
4. Divisional Commercial Manager,
Western Railway,
Bombay Central,
Bombay - 400 008.
5. Chief Commercial Manager
(Catering), Western Railway,
Churchgate,
Bombay - 400 020.

... Respondents.

: O R D E R (ORAL) :

{Per Justice Shri Ashok Agarwal, Chairman}

By the present OA, the applicant has made amongst others,
the following prayers:

"(a) that the respondents be directed to arrange
to pay the Applicant the difference in emoluments

...2.

between the scale rate of pay according to the scale of Rs.196-232/- or the scale corresponding thereto and the daily wages paid to him for the period from 22.10.1983 to 15.4.1986;

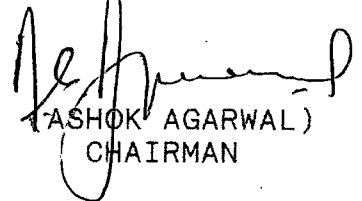
(b) that if necessary, and consequent to the scale of Rs.196-232/- or any corresponding pay scale being applied for regulating the Applicant's emoluments from 22.10.1983, the pay of the Applicant be refixed as from June, 1986 and he be paid the difference in emoluments if any arising as a consequence thereof;".

It is not necessary to recite the other prayers, as the same are consequential to the aforesaid prayers.

2. In our judgment, the claim for difference of pay for the period 22nd October, 1983 to 14th April, 1983 is hopelessly time barred, as the present OA has been belatedly filed on 6.6.1994. Since the claim made pertains to a very old period, Respondents for want of the relevant record are unable to resist the claim. Hence, the prayer contained in prayer clause (a) & (b) in the circumstances, suffers from the vice of laches. No relief can therefore be granted to the applicant in the present OA. The same is accordingly dismissed. No order as to costs.



(SHANTA SHASTRI)
MEMBER(A)


(ASHOK AGARWAL)
CHAIRMAN

B.