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CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No: 18/94

~~XXXXXXXXXXXXXXXXXXXX~~

DATE OF DECISION 14.2.94

Shri D.G. Kulkarni

Petitioner

Shri V.G. Pashte

Advocate for the Petitioners

Versus

Union of India and others

Respondent

Advocate for the Respondent(s)

CORAM:

The Hon'ble ~~Shri~~ Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble Shri

1. Whether Reporters of local papers may be allowed to see the Judgement ?
  2. To be referred to the Reporter or not ?
  3. Whether their Lordships wish to see the fair copy of the Judgement ?
  4. Whether it needs to be circulated to other Benches of the Tribunal ?
- } NO

*Lakshmi Swaminathan*  
(Lakshmi Swaminathan)  
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

Original Application No. 18/94.

Shri D.G.Kulkarni

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Applicant.

Vs.

Union of India through  
General Manager, Central  
Railway, Bombay VT.

Divisional Railway Manager,  
Bombay Division, Central  
Railway, Bombay VT.

....

Respondents.

CORAM : Hon<sup>ble</sup> Smt. Lakshmi Swaminathan, Member (J)

Appearance:

Shri V.G.Pashte, counsel  
for the applicant.

ORAL JUDGEMENT

DATED: 14.2.94.

I Per Smt. Lakshmi Swaminathan, Member(J) I

The applicant has filed this OA for stepping up of his pay on par with his junior on the date of promotion i.e. with effect from 1.4.56. The learned counsel for the applicant has referred to his representation dated 20.1.60 (page 13) addressed to Ds(Personnal), Bombay regarding his fixation of pay. He has also referred to the reply given by the Divisional Railway Manager(P) Bombay dated 13.12.89 (page 16) in which they have stated that they have already advised him vide CPO(T)'s letter No. MPB/402/R/D/T/II dated 19.5.89 about the rule position and had, therefore, rejected his representation in this regard. The learned counsel also referred to the letter which the applicant has addressed to the Divisional Railway Manager, Bombay dated 4.12.92 (page 19) to place the case before the Railway Board for removing the anomaly in his pay fixation in 1956. The learned counsel admitted that after the reply from the Railway authorities on 13.12.89, he has not addressed any further letters to the respondents to consider his matter at the level of the Railway Board or otherwise. The applicant has also retired from the service on 20-10-77.

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2. It is seen from the above facts that the cause of action has arisen as early as 1956. The applicant has also not made any further representations to the Railway authorities after the rejection of his claim vide this letters dated 19.5.89 and 13.12.89. The cause of action having arisen much beyond the period of 3 years of the constitution of the Administrative Tribunals under the Act of 1985, this application is barred under Section 21 of the Administrative Tribunals Act, 1985 and is also hopelessly time barred. The application is therefore dismissed at the admission stage.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)