

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH,

J A I P U R .

O.A. No. 613/92

Date of decision: 6-12-93

JAI NARIAN

: Applicant.

VERSUS

UNION OF INDIA & ORS : Respondents.

None present on behalf of the applicant.

Mr. Manish Bhandari : Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Judicial Member

Hon'ble Mr. O.P. Sharma, Administrative Member

PER HON'BLE MR. O.P. SHARMA, ADMINISTRATIVE MEMBER:

Shri Jai Narian has filed this application claiming the following reliefs:-

- (a) The non-petitioners be order to produce seniority lists issued in the years 1976 and 1981 duly amended as indicated in Annexure No. A/3 and page 14 and also one issued vide respondents letter no. E/103/214/1/Part-6 dated 31.7.89, Annexure A/28.
- (b) The petitioner be assigned due seniority as per extent rules looking to the length of service and the grade.
- (c) The respondents be ordered to refix the Petitioner in a proper grade in the light of the revised seniority as may be decided by this Hon'ble Tribunal.
- (d) The petitioner be allowed all consequential benefits as a result of his refixation of seniority and allotment of proper pay scales.
- (e) The respondents be directed to pay interim relief Rs. 5000/- to enable the petitioner legal heirs to defend the case with ease and without any pecuniary hardships in these days of sky rocketing prices of essential consumer goods and increasing social obligations.
- (f) The petitioner be allowed costs and expenses incurred in defending his case.
- (g) The Petitioner be granted any other relief that the Hon'ble Tribunal may deem proper by way of compensation for the mental agony caused to the petitioner because of the poor pecuniary circumstances he was placed for not giving him seniority well in time.

2. Subsequently, on his death, his legal heirs, Shri Mukesh Kumar Jatav and others were taken on record.

claimed

3. The reliefs/in the application are extremely vague and confusing. However, what could be made out from the application is that earlier he was denied his due seniority but it was subsequently granted to him vide order dated 7.9.82 (Annexure A-3) by which he was given seniority w.e.f. 26.12.55 in the post of skilled Tin and Copper Smith. This seniority was granted to him by revising the earlier seniority granted to him with effect from 24.10.69. The sum and substance of the application appears to be that he should be granted seniority over Ram Singh and Murlidhar.

4. None is present on behalf of the applicant.

5. We have heard the learned counsel for the respondents and have perused the file.

6. The applicant has pleaded that he was given his due scale Rs. 1400-2300 only after Shri Murlidhar retired w.e.f. 30.6.87. He is also aggrieved that Shri Ram Singh, another junior of his, was promoted w.e.f. 1-1-84 whereas the scale of pay given to Shri Ram Singh was given to the applicant as late as 4.8.87.

7. The learned counsel for the respondents has stated that the applicant has been given his due seniority w.e.f. 26.12.55 and all consequential benefits have also been given to him. If he is aggrieved by the scale of pay given to Shri Murlidhar earlier, the applicant was given the same scale of pay as Murlidhar on the latter's retirement on 30.6.87. As regards Ram Singh, he was granted the scale of pay with which the applicant is aggrieved, on 1.1.84. The learned counsel for the respondents has stated that although the exact date of the application is not clear, it could not have been presented before 3.5.89, as is evident from the fact that the applicant has himself stated that it was presented on that date and the Oath Commissioner's attestation is also of that date. Viewed in the light of

the fact that the grievances of the applicant relate to 1984 and 1987, the application filed in May, 1989 is hit by the bar of limitation.

8. As already stated above, the reliefs claimed are extremely vague and the applicant has not been able to make out a clear case of what his grievance is and what he now wants at this stage.

9. Considering of the above circumstances, the application is dismissed, with no order as to costs.


(O.P. SHARMA)
Administrative Member

(GOPAL KRISHNA)
Judicial Member