

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.883/92.

Date of Judgement 21.10.1991

M.Y.Bhide

.. Applicant

Vs.

1. The Chief Engineer, Civil,
Dept. of Posts, New Delhi.
2. The Director-General,
Dept. of Telecommunications,
New Delhi. .. Respondents

Counsel for the Applicant : Shri K.Venkateswara Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) I

This application filed by Shri M.Y.Bhide against the Chief Engineer, Civil, Dept. of Posts, New Delhi & another prays for a declaration that the applicant is entitled for exemption from passing a departmental Test Paper-D (Law of Contracts and Arbitration) as required under Section 4 of Chapter V of C.P.W.D. Manual Vol.I (Administration) on the attainment of the age of 50 years with all consequential benefits.

2. The applicant retired on 31.3.91 as an Executive Engineer, Civil in the Dept. of Posts. He was promoted to the said post on 30.10.78 in accordance with the recruitment rules. He was also granted annual increments upto 1.10.85. But the further annual increments from 1.10.86 were not released as, according to the letter No.CE/Mats.II/MYB/576 dt. 13.5.88 of the Director of Accounts (Postal), Nagpur, the applicant not having passed the Paper-D referred to in his prayer. It is stated by the applicant that the Dept. of Telecommunications was examining

Copy to:-

1. The Chief Engineer, Civil, Department of Post, New Delhi.
2. The Director-General, Department of Telecommunications, New Delhi.
3. One copy to Sri. K.Venkateswara Rao, Advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. Copy to Reporters as per standard list of CAT, Hyd.
6. One copy to Deputy Registrar(Judl.), CAT, Hyd.
7. One spare copy.

Rsm/-

*Subodh
Mudaliar*

the question of granting relaxation to this condition on the attainment of the age of 50 years. It is also stated that such exemption was granted in the case of 2 Executive Engineers S/Shri D.Rama Rao and J.K.Tandon. The applicant made a representation on 3.5.90 and it has not been acceded to so far. Hence this O.A.

3. The case was taken up for admission hearing on 14.10.92 when we heard Shri K.Venkateswara Rao for the applicant and Shri N.R.Devaraj for the respondents. At the very outset, Shri N.R.Devaraj drew our attention to the fact that the O.A. is badly hit by limitation. It is seen that the increment was stopped on 1.10.86 and it is not that the applicant was unaware of this. Again, on 13.5.88, the reasons for not granting the increment were intimated to him. It was only on 3.5.90 that the applicant chose to make his first representation on the ground that he was due to retire on 31.3.91. The O.A. is filed on 30.9.92 long after the grievance has commenced (6 years). It has, however, been held by this Bench [1989] 9 ATC 61 that in the matter of salary, allowances and pension payable every month, is a continuous affair and vests the applicant with recurring right and that the applicant's right falling within the limitation is entertainable. We, therefore, consider this a fit case for adjudication and admit the O.A. The respondents are directed to file a counter within 8 weeks.

R.Balasubramanian

(R.Balasubramanian)

Member(A).

Roy
(C.J.Roy)

Member(J).

Dated: 21st October, 1992.

8/11/92
Deputy Registrar (Jud.)

Contd. - 3 -