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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA 456/94 & : Date of order 28.9.94
MA 492/94

Laxman Kumar : Applicant

V/s

Union of India & Others : Respondents

Mr. S. Kumar : Counsel for the applicant

CORAM

Hon'ble Mr. Gopal Krishna, Member (Judicial)

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

PER HON'BLE MR. GOPAL KRISHNA, MEMBER (JUDICIAL)

Applicant Laxman Kumar has filed this application u/s 19 of the Administrative Tribunals Act, 1985, seeking a direction to the respondents to fix his salary in the scale Rs. 950-1500(RP) for the post of Truck Driver and make payment of arrears of difference of pay and allowances on the principle of equal pay for equal work and consider his case for regularisation on the post of Truck Driver and allow all consequential benefits.

2. We have heard the learned counsel for the applicant and have gone through the records of the case.

3. The contention of the applicant is that he was initially appointed as a Truck Driver on 6.5.82 at RE project in the Kota Division of the Western Railway. He was granted temporary status on 1.1.84. He possessed the driving licence. The applicant is presently at Baran. It is claimed that he has been allowed all due benefits on the post of Truck Driver as are admissible to a temporary Railway Servant. However, the respondent no. 4 ordered his reversion from the post of Truck Driver to that of T.S. Khallasi in the scale Rs. 750-950 vide order dated 14.5.92 (Annexure A-1). It is stated by the applicant that he has made a representation against his reversion order vide Annexure A-3 dated nil. However, he was reverted from the post of Truck Driver but he claims that he has been performing the duties as Truck Driver and he is being paid salary in the scale of Rs. 750-950 and not the salary of the post of the Truck Driver

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in the scale Rs. 950-1500. It is pertinent to note that the applicant has not produced any appointment order/letter, appointing him as a Truck Driver in the scale Rs. 950-1500. The impugned order was passed on 14.5.92. A representation against the same was made vide Annexure A-3 dated nil. The grounds for condonation of delay stated in the MA no. 492/94 are not sustainable as the delay has not been explained convincingly. The delay is sought to be condoned for the reason that the applicant was ordered to be reverted to the post of T.S. Khallasi from that of Truck Driver w.e.f. 14.5.92 and that he was continued to be employed as a Driver in spite of the fact that his pay was reduced and he was placed in the scale Rs. 750-950. He has also claimed payment of salary on the principle of equal pay for equal work and it is stated by the applicant that this reason itself constitutes sufficient ground for condonation of delay, if any. The grievance of the petitioner arose on 14.5.92, when he was denied the regular pay of TS Truck Driver and was placed in the pay scale of a Khallasi. The present application was filed by the applicant on 4.8.94 after a lapse of more than 2 years. Even if the representation against the impugned communication was made by the applicant in June, 1992 as claimed by the counsel for the applicant, the present application was filed beyond 18 months of the making of the representation.

4. In these circumstances, this application is not maintainable as being barred by limitation. It is, therefore, dismissed at the admission stage. The MA for condonation of delay also stands dismissed accordingly.

(O.P. SHARMA)
MEMBER(A)

Gopalkrishna
(GOPAL KRISHNA)
MEMBER(J)