

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 9.4.2001

OA No.20/98

D.C.Boet s/o Shri Galaji, Field Publicity Officer, Directorate of Field Publicity, Ministry of Information and Broadcasting, Chiteranjan Marg, C-Scheme, Jaipur.

.. Applicant

Versus

1. Union of India through Secretary, Ministry of Information and Broadcasting, Shastri Bhawan, New Delhi.
2. Director, Directorate of Advertising & Visual Publicity, Ministry of Information and Broadcasting, PTI Building, Parliament Street, New Delhi.

.. Respondents

Mr. R.K.Sharma, counsel for the applicant

Mr. L.N.Boes, counsel for the respondents

CORAM:

Hon'ble Mr.Justice B.S.Raikote, Vice Chairman

Hon'ble Mr. H.P.Hawani, Administrative Member

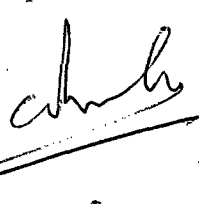
Order

Per Hon'ble Mr. H.P.HAWANI, Administrative Member

The applicant seeks a direction for protection of his salary and treat his basic salary as fixed at Rs. 845/- p.m. w.e.f. his initial appointment, count his past salary in the State Government for all pensionary benefits and further that he may be paid interest on the arrears after fixing his basic pay at Rs. 845/-.

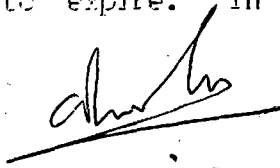
2. We have heard the learned counsel for the parties and have perused all the material on record.

3. On consideration of rival contentions, we agree with the preliminary objection of the learned counsel for the respondents that the OA is badly barred by limitation. The applicant was a



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direct recruit to the post of Field Exhibition Officer in the respondent department vide Ann.E2 dated 11.1.1977 and by Ann.E3 dated 15.2.1977, his pay was fixed at the minimum of the pay scale i.e. Rs. 650/- p.m. in the scale of Rs. 650-960. If he was aggrieved with the said pay scale granted to him, he should have filed the OA either within six months of the rejection of his representation or within one year of the cause of action arisen on 15.2.1977. He has filed this OA on 7.11.1997 viz. after a gap of more than 20 years. No application for condonation of delay has also been filed. It was argued by the learned counsel for the applicant that the applicant has been making representations and that the cause of action arose when the letter dated 20.2.1997 (Ann.A6) was issued and by virtue of this letter, the OA is within limitation. The law is by now very well settled that repeated representation do not extend limitation. In this connection the judgment of the Apex Court in Union of India Vs. S.S.Kothiyal, 1999 SCC(L&S) 251 refers. As regard the letter dated 20.2.1997, a plain reading of the same makes it clear that it is just a simple certificate obtained after his relieving from his erstwhile employer only stating that the applicant was drawing the basic pay of Rs. 790/- p.m. in the grade of Rs. 590-80-810-25-1035. This is not even a letter from the Department to which he is supposed to be making representations continuously and which only was entitled to give him relief as prayed for in this OA. Ann.A6 also, therefore, cannot extend limitation in any manner. This is, therefore, a clear case where an employee keeps on sleeping over grievance for more than 20 years and this Tribunal cannot come to the rescue of such an employee. In fact, Hon'ble the Supreme Court has held in the case of 1992 (24) ATC (SC) 92, Harnam Singh v. Union of India that the "Law of limitation to be applied with all its vigour and the Tribunal cannot come to the rescue of those who sleeps over and allow limitation to expire." In view of such settled legal



with the parent cadre" as indicated in the title of this Govt. of India decision. This decision is applicable when an employee of the Central Government who is appointed directly or on transfer from a post carrying an identical time scale of pay. The case of the applicant, whose earlier employer was a State Government is not covered by the Govt. of India decision No. (5) under the FR 22 C. This being the case, there is also no relevance of any comparison between the duties attached with the applicant's post in the Govt. of India and the State Government which has been submitted before us by the applicant alongwith his additional affidavit. For the same reason, the judgment of the Apex Court in the case of M.R. Gupta Vs. Union of India & Ors, is also not applicable in the case of the applicant.

5. In the result, the OA is liable to be dismissed both being hopelessly barred by limitation as also having no merits and is accordingly so dismissed with no order as to costs.



(N.P.NAWANI)

Adm. Member



(B.S.RAIKOTE)

Vice Chairman

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