

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 295 of 2003

Jabalpur, this the 19th day of May 2003

Hon'ble Shri R.K. Upadhyaya, Administrative Member.  
Hon'ble Shri A.K. Bhatnagar, Judicial Member.

Dr. S C Dixit, Research Officer  
(Retd.), Ex-RMRCT (ICMR), Jabalpur  
(MP), Resident of 349 Gautam Nagar,  
Opposite Allahabad Bank, Gobindpura,  
Bhopal - 462 023.

... Applicant

(By Advocate - Shri M.P. Singh)

V e r s u s

1. Union of India, Through The Principal Secretary, Ministry of Health and Family Welfare, Nirman Bhawan, New Delhi-110011.
2. The Director General, Indian Council of Medical Research, Ansary Nagar, Post Box No. 4911, New Delhi-110 029.
3. The Director, Regional Medical Research Centre for Tribals, (Indian Council of Medical Research), P.O. Garha, Nagpur Road, Jabalpur (MP) - 482 003.

... Respondents

O R D E R (Oral)

By R.K. Upadhyaya, Administrative Member :-

The claims of the applicant is for seeking a direction to the respondents to fix the pay on his initial appointment on 21/02/1989.

2. It is stated that the applicant was appointed as Research Officer (Medical) in RMRCT (ICMR), Jabalpur with effect from 21/02/1989. Prior to this appointment, the applicant was serving as Assistant Research Officer (Medical) with NNM Project of NIN (ICMR), Hyderabad a sister concern of the ICMR with effect from 14/02/1983 to 20/02/1989. It is claimed that the applicant resigned from his previous employment on technical ground on 20/02/1989. It is further claimed that the applicant was allowed to

*Ch. B. Singh*

draw minimum of scale of Research Officer (Medical) as Rs. 2200/- in the scale of Rs. 2200-4000/-. The learned counsel claims that the basic pay allowed was incorrect in as much as the applicant was entitled to have his pay fixed at Rs. 2525/-. It is also claimed that the applicant has filed an appeal dated 03/06/2002 (Annexure A/7) but the same has not been decided. The learned counsel stated that since the applicant was pursuing his matter with the departmental authorities, the present application being in time should be decided on merits and the delay if any should be condoned.

3. We have heard the learned counsel of the applicant and have perused the material available at the time of admission of this case. The so called appeal is not against any order passed by the respondents, but only a prayer for allowing the applicant to draw higher pay on initial appointment as Research Officer (Medical). This is not a case of wrong fixation of pay wherein the Hon'ble Supreme Court's decision in the case of M.R. Gupta Vs. Union of India 1995(5) Scale 29 would be made applicable. As a matter of fact, the applicant has resigned from the earlier post and has joined the present post on the initial pay of the scale. The cause of action if any in fixation/pay has occurred as early as in the year 1989. Merely because the applicant chooses to send a request letter on 03/06/2002 (Annexure A/7) will not bring his case within the limitation. The Hon'ble Supreme Court in the case of S.S. Rathore Vs. State of Madhya Pradesh, AIR 1990 SC 10 has held that repeated representations not provided by law do not enlarge the period of limitation. A person who sleeps over his rights loses his remedy because of the delay. In this view of the matter, we are of the view that the present application has been filed beyond

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the period of limitation as the cause of action arose on February 1989 and the present application has been filed only on 07/05/2003.

4. In view of what has been stated in the preceding paragraph, this original application is rejected at the admission stage itself.

(A.K. BHATNAGAR)  
JUDICIAL MEMBER

(R.K. UPADHYAYA)  
ADMINISTRATIVE MEMBER

कृतांकन सं ओ/न्या.....जबलपुर, दि.....  
प्रतिलिपि अर्थे हिंदि:-

- (1) सचिव, जबलपुर एवं प्रतिवादी, जबलपुर
- (2) आरोपी, जबलपुर
- (3) प्रतिवादी, जबलपुर
- (4) वायपाल, जबलपुर, ज्यादवपुर  
सूचना एवं आवश्यक घासीही है।

21/5/03

Issued  
on 22.5.03  
by

"SA"