

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

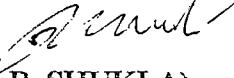
31.10.2007

OA No. 379/2007

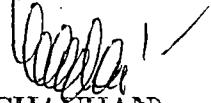
Mr. Anand sharma, Counsel for applicant.

Heard the learned counsel for the applicant.

For the reasons dictated separately, the OA is dismissed.


(J.P. SHUKLA)

MEMBER (A)


(M.L. CHAUHAN)

MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

Jaipur, the 31st day of October, 2007

ORIGINAL APPLICATION NO. 379/2007

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

Ganga Singh son of Shri Man Singh aged about 84 years, retired Head Clerk, S.S. Kota, resident of Nangla Dhanni Bai, Near Officers Guest House, Bayana Junction, District Bharatpur.

By Advocate: Mr. Anand Sharma

.....Applicant

Versus

1. Union of India through Secretary, Ministry of Railways, New Delhi.
2. The *Divisional Railway Manager*, West Central Railway, Kota.
3. The Sr. Divisional Personnel Officer, West Central Railway, Kota.

By Advocate: -----

.....Respondents

ORDER (ORAL)

The applicant has filed this OA thereby praying that the respondents may be directed to make payment of the due amount to the applicant, details of which have been given in Para No. 6 of the OA. It is also prayed that the respondents may also be directed to make payment of arrears along-with interest @ 12% per annum. The details of amount claimed in Para No. 6 reads as under:-

"(i) Salary from 16.09.1968 to 31.03.1973 of the post of Driver Grade -B.

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- (ii) Salary of the period commencing from 01.04.1973 to 01.05.1974 of the post of Driver Grade-A.
- (iii) Difference arrear of the pay of Driver Grade -A for the period from 08.05.1974 to 01.07.1974.
- (iv) Due increments from 02.07.1974 to 30.09.1982 as well as DA and running allowance due during the aforesaid period.
- (v) Arrear on account of revised fixation and revised pension w.e.f. 01.10.1982 to till date."

2. At this stage, it may be stated that this Tribunal has no jurisdiction/authority to entertain and to adjudicate this matter in view of the provisions contained in Section 21(2)(a) of the Administrative Tribunal's Act, 1985. At this stage, it will be useful to quote the relevant portion of Section 21 of the Act, which thus reads as under:-

"21. **Limitation.** – (1) A Tribunal shall not admit an application-

(a) in case where a final order such as is mentioned in clause (a) of sub-section (2) of section 20 has been made in connection with the grievance unless the application is made, within one year from the date on which such final order has been made.

(b) In a case where an appeal or representation such as is mentioned in clause (b) of sub-section (2) of section 20 has been made and a period of six months had expired thereafter without such final order having been made, within one year from the date of expiry of the said period of six months

(2) Notwithstanding anything contained in sub-section (1), where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates.

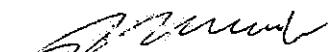
(b) no proceedings for the redressal of such grievance had been commenced before the said date before any High Court,

the application shall be entertained by the Tribunal if it is made within the period referred to in clause (a), or as the case may be, clause (b), of sub-section (1) or within a period of six months from the said date, whichever period expires later.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), an application may be admitted after the period of one year specified in clause (a) or clause (b) of sub-section (1) or, as the case may be, the period of six months specified in sub-section (2), if the applicant satisfies the Tribunal that he had sufficient cause for not making the application within such period."

Thus from perusal of Section 21(2)(a) of the Act, it is evident that this Tribunal can entertain the grievance of such matter where an application has arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, power and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates. The provisions of the Administrative Tribunal Act come into force w.e.f. 1st July, 1985 vide notification No. GSR. 527(E). Thus in view of the provisions contained in Section 21(2)(a) above, this Tribunal has a right to entertain matters falling its jurisdiction for the period where cause of action has arisen after 01.07.1982 and not prior to 01.07.1982. Thus this Tribunal has got no jurisdiction to entertain the matter. So far as Relief No. 5 is concerned, the same is dependant upon relief nos. 1 to 4 claimed in Para No. 6.

3. Accordingly, the present OA is bereft of merit and is accordingly dismissed at admission stage itself.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)