

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA-4093/2018**

**New Delhi, this the 26<sup>th</sup> day of October, 2018**

**Hon'ble Sh. V. Ajay Kumar, Member(J)  
Hon'ble Sh. A.K. Bishnoi, Member(A)**

B.S. Jarial (Ex. Supdt.. Gd. I)  
Flat No. 43, MBK Apartments,  
Sector-13, Dwarka,  
New Delhi-110078,  
(9871480964) ... Applicant

(through applicant in person)

Versus

1. Govt. of NCTD of Delhi through,  
The Chief Secretary, GNCT of Delhi,  
New Delhi-110002.
2. The Principle Secretary, (Home),  
GNCT of Delhi,  
New Delhi-110002.
3. The D.G. (Prisons),  
Near Lajwanti Garden,  
Janak Puri,  
Central Jail, Tihar,  
New Delhi-110064. ... Respondents

**ORDER(ORAL)**

**Hon'ble Sh. V. Ajay Kumar, Member(J)**

The applicant, who retired as a Deputy Superintendent, Grade-I, filed the OA seeking the following reliefs:

“(a) Direct the respondents to allow the on functional scale of Rs. 8000-13,500/- as was allowed to other Dy. Supdt. Gd. I, ad-hoc DANICS/DASS Gd. I, officers (50%) posted from Govt. of NCT of Delhi, since the date they were given the same i.e. from 01.12.2006, and later Grade Pay (GP) of Rs. 5400/- , along with all consequential benefits.

(b) to direct the Respondents to re-fix the pay accordingly and pay the arrears along with compound interest @18%, on the same till the payments are made.

(c) to direct the respondents to re-fix the pay of the applicant as officiating Superintendent (Jails) from 21.05.2003 t 22.07.2010 and the pay the arrear of pay accordingly along with compound interest @ 18% on the same till the payment are made.

(d) To direct the respondents to re-fix the pension from 01.03.2016 onward accordingly and to pay the arrears of pension along with compound interest at 18% on the same till payments are made.

(e) to pass any such order/orders as may be deemed fit regarding cost on the respondents for their illegal, arbitrary and in defiance of Article 14, 16 and 21 of Constitution of India.

(f) To direct the respondents to pay the cost of litigation to the applicant.

(g) to pass any such order;/orders as may be deemed fit and proper by the Hon'ble Tribunal in the facts and circumstances of the case.”

2. It is submitted that the applicant made a representation vide Annexure A/3 dated 25.07.2008 ventilating his grievances to the respondents. However, no orders have been passed thereon till date.

3. Admittedly, the applicant retired from service on 29.02.2016. Even according to him, the cause of action arose way back in the year 2003. Hence, the instant OA filed in October, 2018 is hopelessly barred by limitation. He failed to give any valid reasons for the abnormal delay. Though, the dispute pertains to fixation of pay scale but the conduct of the applicant is also to be considered while considering the issue of condonation of delay, as held by Hon'ble Apex Court in Esha Bhattacharjee vs. Managing Committee of Raghunathpur Nafar Academy & Ors., (2013) 12 SCC 649.

4. In the circumstances, the OA is dismissed as barred by limitation.

**(A.K. Bishnoi)**  
**Member(A)**

**(V. Ajay Kumar)**  
**Member(J)**

/ns/