

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS : BILASPUR

Original Application No.203/00608/2017

Bilaspur, this Wednesday, the 18th day of September, 2019

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Abdul Salim Khan, Aged 63 years S/o Late Shri Nair Khan By Post Ex Points Man 'A' R/o Near House of Rizvi Advocate Ansar Gali No.02 Moudhapara Raipur, Distt. Raipur (C.G.) 492001
Mobile No.+918305126510 **-Applicant**

(By Advocate-**Shri J.A. Lohani**)

V e r s u s

1. Union of India, Through the General Manager (G.M.) At Garden Reach Calcutta now The General Manager (G.M.) S.E.C.R. Zonal Office Building Bilaspur (C.G.) 495004
2. Divisional Railway Manager, S.E.C.R. Office of Divisional Railway Manager, (D.R.M. Office Bilaspur (C.G.) 495004
3. Sr. Divisional Personal Officer, S.E.C.R. Office at Divisional Rai,lway Personal Branch Bilaspur (C.G.) 495004
4. Sr. Divisional Personal Officer S.E.C.R. Office at Divisional Railway Personal Branch Raipur (C.G.) 492001 **- Respondents**

(By Advocate-**Shri R.N. Pusty**)

O R D E R (Oral)
By Navin Tandon, AM:-

This Original Application has been filed by the applicant for grant of increased pay to him in the year 1989/1990.

2. The applicant has made the following submissions in this Original Application:-

2.1 He joined the respondent department on 02.04.1974 as LRUS (Peon) and took voluntary retirement on 19.07.2000.

2.2 He is aggrieved that he was wrongly been shown to be reverted as Points Man 'B' between 30.06.1989 to 27.11.1990. He was regularly working as Points Man 'A' and retired on the same post.

2.3 He has submitted representation dated 24.08.1989, 01.02.1993, 09.11.1994, 02.08.1995, 11.09.1995, 04.02.1997 and then on 18.07.2014, 20.01.2015, 20.10.2015, 15.06.2015, 21.12.2016 and finally on 28.05.2017 (collectively Annexure A/3), but has received no response.

3. He has prayed for the following reliefs:-

"8.1 That this Hon'ble Tribunal may kindly be pleased to call upon the entire record pertaining to the case of the applicant leading to passing of impugned-reply/Letter 21.02.2014 & 30.01.2014 by respondents, (Annexure A/1), for the kind perusal of this Hon'ble Tribunal.

8.2 That this Hon'ble Tribunal may kindly allow this application by passing suitable direction/order to the respondents that the applicant is entitle for pay scale of Rs.1030 instead of Rs.934/- for the period of 1989 to 1990, and further his pension-protection similar to his juniors are getting, in the interest of justice.

8.3 Any other relief's or appropriate directions/order to the respondents as deemed fit proper suitable, may also be kindly be granted by this Hon'ble Tribunal to the applicant

for suitable payment dues, along with cost of this application.”

4. The applicant has also filed M.A. No.203/486/2017 for condonation of delay.
5. Respondents in their reply have stated that the applicant is trying to redress a grievance related to reversion from the post of PM 'A' to PM 'B' for not qualifying in the suitability test in the year 1989 under the garb of the instant of original application. The applicant has now raised the grievance related to reduction in pay scale from Rs.1030/- to Rs.934/- during 30.06.1989 to 27.11.1990 when he was reverted on account of not qualifying in suitability test prevailing at that time. The instant petition is hopelessly barred by limitation as the cause of action arose in the year 1989 and the applicant has approached this Tribunal in the year 2017 after a span of 29 years without explaining any reason of such prolonged delay.
6. Heard the arguments of learned counsel of both the parties and pleadings available on record.
7. We find that the applicant is agitating on an issue which had arisen in the year 1989/90. It is a fact that the applicant had filed repeated representations in early 1990s. However, the same was responded to by Respondent No.3 vide letter dated 04.11.1996 (page 24, Annexure A/3). After that barring a representation dated

04.02.1997, he kept quiet till the year 2014 when he again filed series of representation.

8. Thus, it is clear that the applicant has approached this Tribunal after a long gap of more than 2 decades.

9. In the application for condonation of delay, no reasons have been assigned for not approaching this Tribunal earlier.

10. Section 21(1)(a) of the Administrative Tribunal Act, 1985 clearly states that the Tribunal shall not admit an application unless it is made within one year from the date on which final order has been made.

11. Accordingly, the M.A. for condonation is rejected and accordingly, the O.A. is dismissed as barred by limitation.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

kc