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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

...

OA NO. 858/2003
PA NO. 738/2003

New Delhi, this the 12th day of December, 2003

HON'BLE SHRI JUSTICE V.S.AGGRAWAL, CHAIRMAN
HON'BLE SHRI S.A. SINGH, MEMBER (A)

Shri Vijay Prasad
S/o late Shri Tara Dutt,
Process Officer,
R/o Sector IV, R.K. Puram,
New Delhi - 110 022.

... Applicant

(By Advocate: None)

Versus

1. Union of India through
Secretary,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi - 110 001.
2. Directorate of Extension,
Ministry of Agriculture,
Department of Agriculture & Co-operation,
Krishi Vistar Bhawan, Pusa,
New Delhi - 110 022.
3. Union of India through
Secretary,
Ministry of Finance,
Economic Affairs,
New Delhi.

... Respondents

(By Advocate: Shri M.M. Sudan)

O R D E R

JUSTICE V.S.AGGRAWAL, CHAIRMAN

Applicant (Vijay Prasad) seeks the pay scale of Rs.2000-3200/- with effect from 24.05.1993 with consequential benefits. Some of the facts alleged are that the applicant had been promoted to the post of Process Officer on 24.05.1993. Based on the recommendations of the Fourth Central Pay Commission, the Ministry of Finance vide Office Memorandum dated 31.10.1989 had given instructions pertaining to the Report

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of the Inter-departmental Committee of Printing Staff. As per the applicant, the Fourth Central Pay Commission had recommended to remunerate and re-classify various posts including top most Floor Supervisors in all Government Presses. Applicant had sent a representation which had been rejected. It is denied that the persons of the sister department i.e. Budget Press (Ministry of Finance) had been given the scale of Rs. 2000-3200/- from 31.10.1989 which has been denied to the applicant contending that the action of the respondents is not valid because even the Committee had recommended that the top most Floor Supervisors should be remunerated in the pay scale of Rs. 2000-3200/-

2. Along with the Original Application, M.A. No. 738/2003 has been filed seeking condonation of delay in filing the application. It has been stated that the application is barred by time by two days as applicant's wife was unwell and she had to undergo engiography. It has also been pleaded that she was suffering from acute Rheumatics. Therefore, the applicant could not file the application in time.

3. The application has been contested.

4. The first and foremost question that comes up for consideration is as to whether the application was barred by time and if so, there were sufficient grounds for condonation of delay or not? Respondents had pleaded that the facts stated by the applicant are not

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correct. The application is stated to be barred by time as the issue involved was rejected in 1993. The subsequent reminders were also considered and replied on 27.3.2001 after February, 1993 and thus the claim that there is only two days' delay even was contested.

5. Learned counsel for the applicant in this regard has alleged that since it is a question of fixation of pay, therefore, it is a continuous cause and plea of the applicant cannot fail.

6. We have carefully considered the matter.

7. It is not in dispute that earlier the claim had been rejected in 1993 and again in 2001. The present application has been filed on 27.3.2003.

8. We know from the decision of the Supreme Court in case of **S.S. Rathore vs. State of Madhya Pradesh**, AIR 1990(SC) page 10 that repeated representations will not extend the period of limitation. It is true that in the case of **M.R. Gupta vs. Union of India & Others**, 1995 SCC (L&S) 1273, Supreme Court held that in case of salary, it is a continuous cause and relief should be couched accordingly. The period of limitation cannot be said to have come to an end but that decision has no application in the facts of the present case. Herein a decision has been taken that the applicant is not entitled to the pay scale, therefore, it is not a case of fixation of pay. As the claim of the applicant for the pay scale had earlier

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been rejected, the same came to an end and, therefore, the applicant cannot press into service the decision of the Supreme Court in the case of **M.R. Gupta (supra)**.

9. As already pointed above, the claim had been rejected in 1993 and again in 2001 besides what is now being assailed i.e. the order of 26.03.2002. The assertion that there is only two days' delay is patently incorrect. The limitation has started to run and came to an end long back before the present application had been filed. There is no explanation for condonation of delay of that period. Resultantly, it must be held that the application is highly belated and, therefore, there is no ground to interfere.

10. For these reasons, M.A. No. 738/2003 fails. Consequently O.A. No. 858/2003 must also fail and is dismissed.


(S.A. Singh)

Member (A)


(V.S. Aggarwal)

Chairman

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