

(1924) 11 AHC CK 0016
In the Allahabad High Court

Banwari Lal

APPELLANT

Vs

Municipal Board of Cawnpore

RESPONDENT

Date of Decision : 24-11-1924

Acts Referred:

Citation : (1924) 11 AHC CK 0016

Hon'ble Judges : Daniels, J

Bench : Single Bench

Judgement

Daniels, J.—This application arises out of a claim by the applicant who was at one time employed by the Municipal Board of Cawnpore for certain arrears of pay to which he says he was entitled. The suit has been dismissed by the Small Cause Court on the ground that it was beyond the period of six months limitation provided by Section 326(3) of the U.P. Municipalities Act. It is not now contended that that section does not apply, and the section has been applied in a similar case in Abdul Wahid Vs. The Municipal Board, The contention pressed before me is that the cause of action really arose on 14th May, 1923, which was within limitation, the suit having been originally filed on 13th October, 1923, though it was returned for presentation and subsequently presented to the proper Court on a later date. The date when the plaintiffs' service ceased was 18th November, 1922, and this was given as his cause of action in the plaint as originally framed. On 23rd January, 1923, he actually gave to the Municipal Board the notice required by Section 326(1) so that he himself treated his cause of action as complete on that date. On 31st January, 1923 the Chairman of the Municipal Board sent him officially a reply dealing with each of the items claimed by him and declining to entertain any of them. This is the date with reference to which the Court below finds that at any rate the plaintiff's cause of action was complete on that date. What appears to have happened subsequently was that the plaintiff sent some further letter to the Municipal Board reiterating his demands and they replied to him in a letter which is on the file, stating that the records had been consulted and it was found that everything that was due to him had been paid, and nothing further was due. It is impossible to treat this letter

as giving a fresh cause of action. When once limitation had begun to run, the mere fact that the plaintiff made another attempt to gat the Municipal Board to alter their decision would not have the effect of stopping it or giving it a fre3h period. The revision fails and it is hereby dismissed with costs.