

(2012) 08 P&H CK 0044
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 14161 of 2011 (O and M)

Sudarshan Sharma

APPELLANT

Vs

Union of India and Another

RESPONDENT

Date of Decision : 16-08-2012

Acts Referred:

Citation : (2013) 1 SCT 341

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : Padam Kant Dwivedi, for the Appellant; B.S. Kanwar, Advocate for the Respondent No. 1 and Mr. I.S. Sidhu, Advocate for the Respondent No. 2, for the Respondent

Final Decision : Dismissed

Judgement

Rajesh Bindal, J.—The petitioner, who retired from service on 30.4.2008, has approached this court raising a dispute regarding fixation of

his salary alleging that his juniors have been drawing more salary than him. As a consequence thereof, his salary needs to be stepped up to bring it

at par with his juniors. Learned counsel for the petitioner submitted that the petitioner was appointed as Upper Division Clerk with National

Institute of Technical Teachers' Training and Research, Chandigarh on 31.1.1973. He was promoted as Assistant on 21.8.1980 and then as

Superintendent on 14.2.1989 in the pay scale of Rs. 1640-2900, where as one Bhagat Ram was appointed as Upper Division Clerk on

21.8.1974, promoted as Assistant on 2.8.1983 and further as Senior Store Keeper on 28.7.1990 in the pay scale of Rs. 1600-2660. He was

thereafter promoted as Superintendent on 7.9.1992 in the pay scale of Rs. 1640-2900. There were two separate channels of promotion to the

post of Superintendent. All along, Bhagat Ram had been drawing salary less than the petitioner, however, still on 7.9.1992, salary of Bhagat Ram

was fixed at Rs. 2,060/- per month, whereas at that time the petitioner was being paid Rs. 2,000/- per month. The petitioner immediately

represented for stepping up of his pay to bring the same at par with his junior Bhagat Ram. The case was fixed in the meeting of the Board of

Governors held on 26.6.1992 and approved. The matter was sent to the Government of India for concurrence, however, the same was rejected

vide letter dated 11.10.1993 in totally illegal and arbitrary manner without passing a speaking order, even though pay of one T.S. Giani

Superintendent was stepped up to bring the same at par with his junior, namely, J.L. Khanna. The matter was taken up again by the petitioner and

the case was recommended by the Institute to the Government of India vide communication dated 21.7.1998. The same was again rejected by the

Government of India vide communication dated 2.2.2010. The petitioner thereafter again represented on 22.2.2011 and even got a legal notice

served on 18.6.2011. The submission is that firstly the petitioner has been deprived of his legitimate dues during his service career and now as a

result of this his pension is also being effected because a person junior to the petitioner had been drawing higher pay all along.

2. On the other hand, learned counsel for the respondents submitted that cause of action to raise the grievance arose to the petitioner way back on

11.10.1993 when for the first time the claim made by the petitioner was rejected by respondent No. 1. Since again the petitioner made the

representation, though belated, vide communication dated 2.2.2010, while reiterating the earlier decision conveyed vide letter dated 11.10.1993,

the claim was rejected. The same was again reiterated on 19.4.2010. The petitioner having already retired from service on 30.4.2008 cannot be

permitted to rake up the dead issues at this belated stage.

3. Heard learned counsel for the parties and perused the paper book.

4. The cause of action to raise the issue regarding wrong fixation of salary arose to the petitioner on 7.9.1992, when allegedly salary of Bhagat

Ram, junior to the petitioner as Superintendent, was fixed at Rs. 2,060/-, whereas the petitioner was being paid Rs. 2,000/- per month. Being

aggrieved, the petitioner filed representation. The same was rejected by the

Government of India vide communication dated 11.10.1993. The order was not impugned by availing appropriate remedy at that stage, rather the petitioner continued making representations alleging that initial communication was totally non-speaking. Subsequently as well, the petitioner has been conveyed rejection of his claim referring to the initial communication dated 11.10.1993 while stating that since the case has already been rejected, there was no good reason to re-open the same. The present petition was filed by the petitioner more than three years after his retirement on 30.4.2008. Repeated representations do not extend the period of limitation to seek redressal of a grievance in court. Had the petitioner been aggrieved, he should have availed of his appropriate remedy when his claim was rejected for the first time by Government of India vide communication dated 11.10.1993. The petitioner having failed to do so cannot be permitted to raise the dispute at this stage merely because on a subsequent representation made by the petitioner, the authorities have conveyed him that his case has already been considered and rejected and there was no good reason to re-open the same. For the reasons mentioned above, the present petition is dismissed.