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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7433/2015**

Date of decision: 6th May, 2016

K.S. BIST Petitioner

Through: Mr. Anil Hooda with
Mr. Ankit Gupta, Advs.

versus

**GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF
DELHI & ANR** Respondents

Through: Mr. Satyakam, ASC for GNCTD.

CORAM:
HON'BLE MR. JUSTICE SANJIV KHANNA
HON'BLE MR. JUSTICE NAJMI WAZIRI

SANJIV KHANNA, J. (ORAL)

1. Mr. K.S.Bist by this writ petition impugns the order dated 16th April, 2015 passed by the Principal Bench of the Central Administrative Tribunal in OA No.425/2014 on the ground that the reliefs/benefits claimed are barred by limitation.

2. The petitioner is a retired Electronic Data Processor who was working in the Department of Trade and Taxes, Government of NCT of Delhi. He had retired on 31.01.2011. After about two years of retirement, the petitioner wrote two representations dated 4.12.2012 and 16.1.2013 seeking revision and re-fixation of his pay as Programme Officer in the scale of Rs.2000-3200/- for the period from 1.1.1986 to 11.9.1989. This claim was based upon the recommendation of Dr. Sheshagiri Committee and predicated on certain judgments including decision of this Court in WP(C)

No.2578/2007 titled as ***Vinod Kumar & Ors. Vs. Government of NCT of Delhi & Ors.*** decided on 19.7.2010 that the enhanced or revised pay scale would be applicable with effect from 1.1.1986 and not from 11.9.1989.

3. The petitioner subsequently filed the aforesaid OA on 29th January, 2014 primarily claiming that he should be paid arrears from 1.1.1986 to 11.9.1989 on the basis that he was entitled to pay scale of Rs.2000-3200/- during this period and was wrongly paid salary in the scale of Rs.1640-2900/-.

4. We have examined the order of the Tribunal which is detailed and exhaustive. It clearly holds that the claim was barred by limitation as specified and mandated by Section 21 of the Administrative Tribunal Act, 1985.

5. Learned counsel for the petitioners submits that similarly placed persons have been granted the said relief and our attention is drawn to order dated 19.7.2010 passed in Vinod Kumar's case (supra).

6. By this order, we do note that the pay scale was granted to the petitioners therein from 1.1.1986 but the order does not discuss the question of limitation or delay and latches. It also appears that the petitioners had not approached the Tribunal in the said case. However, in WP(C) No.5976/2001 decided on 30th November, 2011 titled ***Government of NCT of Delhi vs. M.M. Chandra and Ors.*** which had arisen from the order of the Tribunal in OA No.1887/2000, similar claim was restricted to 11.9.1989 and was not paid with effect from 1.1.1986. The learned counsel for the petitioners tried to distinguish this case stating the Government employees therein were appointed after 11.9.1989. We do not find there is any such observation or finding of the High Court on the said aspect in the judgment dated 30th

November, 2011.

7. These decisions however do not relate to and decide the question of limitation. The petitioner will have to get over this hurdle even if we assume that he should be treated at par and was entitled to scale of Rs.2000-3200/- from 1.1.1986 to 11.9.1989. Law of limitation does not extinguish or destroy the legal right but only prohibits the person from enforcing the right in the Court or Tribunal. Where a claim is barred by limitation, relief is denied for the said reason and not on merits. Recourse to legal remedy is barred.

8. In view of the aforesaid position, we do not find any merit in the present writ petition and the same is dismissed.

SANJIV KHANNA, J.

NAJMI WAZIRI, J.

MAY 06, 2016/ak