

**CWP-19420-2019****1****223 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-19420-2019****Date of decision: 16.04.2026****PAWAN KUMAR PATHAK****...Petitioner****VERSUS****CENTRAL ADMINISTRATIVE TRIBUNAL THROUGH ITS
REGISTRAR AND ORS****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR****Present: Mr. Vikram Singh, Advocate for the petitioner.****Ms. Puneeta Sethi, Advocate for respondent No.1.*************HARSIMRAN SINGH SETHI, J. (Oral)**

1. The present petition has been filed challenging the order dated 22.02.2019 (Annexure P-1) passed by Central Administrative Tribunal by which, the original application filed by the petitioner in the year 2019 i.e. after a period of two years from his retirement, was dismissed on the ground of delay, being barred under Section 21 of the Administrative Tribunals Act, 1985 (hereinafter referred to as 1985 Act).

2. Learned counsel appearing on behalf of the petitioner submits that the petitioner's claim was for the grant of 3rd MACP, which though was recommended by the Screening Committee but the benefit was not granted hence, the non-grant of the recommended benefit will be prejudicial, which has been ignored by the Tribunal while declining the relief by bringing into operation Section 21 of the 1985 Act, which is incorrect hence, the order dated 22.02.2019 passed by the Tribunal may



CWP-19420-2019

2

kindly be set aside and the claim raised be decided on merits as the same is a recurring cause.

3. Learned counsel appearing on behalf of the respondent submits that even if, for the sake of argument, the non-grant of MACP is treated as a recurring cause of action, such a claim can only be raised while the employee is in service, but it is a conceded position that the petitioner retired in the year 2017 and when the claim was raised, after a period of two years i.e. in the year 2019, the petitioner was not in service so as to even claim that the day on which the claim was raised, the recurring cause existed.

4. We have heard learned counsel for the parties and have gone through the record with their able assistance.

5. It may be noticed that the relief before the Tribunal can only be claimed under the provisions of 1985 Act. Section 21 of the 1985 Act clearly prescribes the limitation for approaching the Court, which is one year from the date of the cause of action having been accrued, in case a written order is passed which is causing prejudice whereas in case of seeking directions, the limitation has been provided as one year and six months. In the present case, the petitioner retired in year 2017 and the original application was filed after a period of two years i.e. in the year 2019. Even from the date of retirement, the original application is not within the time-frame granted under Section 21 of the 1985 Act, and thus cannot be said to be within limitation so as to be adjudicated on merits.

6. With regard to the arguments raised by learned counsel for the petitioner that non-grant of MACP is to be treated as being a recurring cause, the same can only be done till an employee is in service.

**CWP-19420-2019****3**

No recurring cause exists after the retirement, as after the retirement, no pay is to be granted so as to claim recurring cause of action and there is no master and servant relationship as well. Further, the original application filed in the present case was beyond one year even from the date of retirement, which is a conceded fact.

7. Keeping in view the above-said fact, the order dated 22.02.2019 passed by the Tribunal holding that the original application was beyond the limitation under Section 21 of the 1985 Act, cannot be said to be perverse either on facts or in law so as to warrant interference by this Court.

8. Dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

16.04.2026
Amandeep

Whether speaking/reasoned :	Yes
Whether Reportable :	No