

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1001/2001

New Delhi, this the 26th day of April, 2001

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Shri Jagdamba Prasad Pandey,
S/o Shri H.N. Pandey,
Retd. Chowkidar,
Public Works Department,
P.D. Circle No.2,
Police HQrs., M.S.O. Building,
I.P. Estate, New Delhi
and
R/o 230/17, Railway Colony,
Gali No.6, Mandawali Fazalpur,
Delhi - 110092 Applicant
(By Advocate: Shri S.L. Lakhman Pal)

V E R S U S

1. Union of India,
(Through the Director General of Works)
Nirman Bhawan,
New Delhi-110 003
2. The Chief Engineer,
Public Works Department,
P.D. Circle No.2,
Police HQrs., MSO Building,
I.P. Estate,
New Delhi-110001 Respondents

ORDER (ORAL)

By S.A.T. Rizvi, Member (A):

Heard the learned counsel. This is the second round of litigation in the same case.

2. The applicant worked as Chowkidar in the Office of the Chief Engineer, Public Works Department (P.W.D.), respondent No.2 herein, and finally retired on superannuation on 30th November, 1996. Certain payments relating to over time allowance for the period from 1.1.1974 to 1.1.1983 had not been made to the applicant. This grievance formed the subject matter of OA No.220/1992 filed by the applicant in

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this Tribunal. The same was decided on 7.8.1996 by directing the respondents as follows:-

"i) Respondent No.2 is directed to consider the representation of the applicant dated 22.3.1990 with the clarification submitted by him on 28.7.1990, within a period of three months from the date of receipt of a copy of this order i.e. by 6.9.1996 and to pass a speaking order thereon.

ii) In case the representation is accepted, respondent No.2 will arrange to pay OTA to the applicant within three months of the date of communication of the decision."

3. The applicant has been pursuing the matter ever since without any effective action by the respondents. Finally the respondents have disposed of the matter by their letter of 3.8.1999 placed at Annexure-A by which the applicant has been asked to contact the Executive Engineer, P.W.D., Mandal 23, Delhi, providing therein further that necessary instructions have been issued to the said Executive Engineer. The learned counsel appearing in support of the OA submits that the applicant has been pursuing the matter further with the aforesaid Executive Engineer, but in vain. Hence this OA.

4. On the question of limitation, the learned counsel has placed reliance on the application for condonation of delay filed by him. I have perused the same and find that the reasons mentioned therein are not sufficient to permit condonation of abnormal delay which has taken place in the present case. The dues in dispute relate to the period from 1.1.1974 to

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1.1.1983 i.e. to a period roughly 20 years from today. The Tribunal gave a favourable order in August, 1996, specifying a period of three months within which the respondents were supposed to comply with the directions given to dispose of the claim of the applicant. A period of more than four years has since elapsed before the applicant has now again approached the Tribunal for further direction. The final reply from the respondents came on 3.8.1999, which is again more than one year from the date the present OA was filed. No good and sufficient reasons have been assigned for the delays that have taken place attributable to the applicant in the present case. It is settled that limitation cannot be revived by repeated representations whether made orally or in writing and those who sleep over their rights lose their right. In the circumstances, I am not satisfied with the reasons assigned in the application for condonation of delay.

5. The OA is accordingly dismissed on the ground of limitation. No costs.

6. Needless to add that the respondents will proceed to dispose of the matter in a fair and objective manner as speedily as possible.


(S.A.T. RIZVI)
MEMBER (A)

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