

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

R.A.No.17/2000
In
O.A.NO.2530/1998

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Thursday, this the 30th day of August, 2001

Hon'ble Shri Shanker Raju, Member (Jud1)

N. P. Dubey
(By Advocate: None)

..Petitioner

Versus

Union of India & 2 others
(By Advocate: Shri P.S. Mahendru)

..Respondents

O R D E R (ORAL)

When the case was called out, none appeared on behalf of the applicant, therefore, I proceed to dispose of this RA under Rule 15 of the CAT (Procedure) Rules, 1987.

2. The present RA has been directed against an order dated 17.9.1999 passed in OA-2530/98 wherein the issue regarding implementation of the recommendations of 4th Central Pay Commission in September, 1987 the difference in the arrears of Leave/Mileage Allowance for running staff of Locomotives & Traffic Department, the applicant contended that the payment was due and he was legally entitled for the same. On the other hand, it is contended that the honorarium is not a matter of policy as alleged and the same is governed by special rules and instructions. The respondents have further claimed that the applicant has failed to maintain the requisite records and produce the same for verification and that was the only reason for which the balance amount could not be paid and delay in making payment was attributable to him. This Court had observed that as the cause of action has arisen in 1992, the applicant had yet another cause of action in March,

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1995 when the second lot of honorarium was paid to him. It is true that the applicant has made repeated representations after March, 1995. It is well settled in law that repeated representations do not obviate bar of limitation. The aforesaid OA was dismissed on the ground of limitation alone.

3. By way of present RA, the applicant has contended that neither the paysheets, register of passing the special paysheets of difference of arrears of LMA of running staff, was personal record of the applicant, nor was he supposed to keep with him, rather its custodian was the Accounts Officer (Pay-Commission), Jhansi and on submission of claim by the applicant, he was asked to produce the relevant record. The delay, as contended, is not attributable to him.

4. I have heard Shri P.S.Mahendru, learned counsel and have perused the pleadings in the RA. In my considered view, this RA is not maintainable as the applicant attempts to re-argue the matter. The scope and ambit of the Rules is restricted only when any error is apparent on the face of record as contained under Order XLVII Rule 1 of the CPC read with Section 23^h (3) (f) of the Administrative Tribunals, Act, 1985. As the applicant has failed to bring to my notice any error on the face of the record, the RA deserves to be dismissed.

5. Accordingly, the RA is dismissed without any order as to costs.

S. Raju
(Shanker Raju)
Member (J)

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