

36

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1149/96
M.A. No. 1144/96

New Delhi this the 17th Day of July 1998

Hon'ble Shri R.K. Aahooja, Member m(A)

1. Ishak Mohamade
Valveman,
Working Under I.O.W.;
Hapur.

2. Hasmatulla Khan,
Valve man,
Working under I.O.W.
Hapur

(Both under D.R./M. Moradabad) Applicants

(By Advocate: Shri H.K. Gangwani)

Versus

1. General Manager,
Northern Railway,
Baroda House,
New Delhi-110 001.

2. Divisional Rly. Manager,
Northern Railway,
Moradabad. Respondents

(By Advocate: Shri PLN Sharma, Trainee Counsel on
behalf of Shri R.L. Dhawan)

ORDER (Oral)

The applicants claim OTA for the period 1979-89 while working as Valveman under the Inspector of Works, Hapur. They state that despite representations made by them and their case having been taken up by the Union, the respondents have not made the requisite payments to them. They have now come before the Tribunal seeking a direction for payment of the arrears of OTA alongwith interest @ 18%.

DR

(31)

2. The present application has been filed on 21.5.1996. Since the claim pertains to the period from 1976-86 which has become time barred. The applicants have, however, filed an application for condonation of delay. The request for condonation has been opposed by the respondents.

3. I have heard Shri H.K. Gangwani, learned counsel for the applicant. Learned counsel for the respondents was not present. He was not present even on the last occasion i.e., 30.6.1998 when it had been made clear that no further adjournment will be granted. The application is now almost over two years old. I have therefore considered it proper to dispose of the matter on the basis of the available pleadings and the arguments advanced by Shri H.K. Gangwani.

3. The grounds given for delay i.e., that the applicants were pursuing the case directly and through the Trade Union cannot be considered satisfactory. No direction can also be given to the respondents having monetary implication. The applicants have slept over their rights and come to the Tribunal after nearly ten years. Shri H.K. Gangwani, learned counsel for the applicant has, however, submitted that the applicants have a very strong case on merits, and they are in a position to convince the authorities on the basis of their own records that they had actually performed the 12 hours duty during the period from 1979-86. He also states that the

Dr

(32)

respondents will be convinced of the claim of the applicants if they consider the representation of the applicant, copy of which is placed at A-1.

4, Having considered the submissions of the learned counsel, I am of the view that it will be in the interest of justice if respondents consider the said representation. Accordingly, they are directed to dispose of the representation within a period of four months giving the opportunity to the applicants to be heard in person and to produce the necessary proof. In view of the fact that the application is time barred, it is made clear that any decision taken by the respondents will not give the applicants a fresh cause of action.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

Mittal