

Central Administrative Tribunal  
Principal Bench

(15)

M.A.No.1942/97 in  
O.A.No.2212/96

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

New Delhi, this the 21st day of April, 1998

Shri Shiv Singh Meena  
Booking Supervisor  
Northern Railway  
Posted at Railway Station Samalkha  
Distt. Panipat (Haryana).

... Applicant

(By Shri Surat Singh, Advocate)

Vs.

1. General Manager  
Northern Railway HQ  
Baroda House  
New Delhi.

2. Division Railway Manager  
D.R.M. Office (HOER)  
New Delhi.

3. Sr. Divisional Personnel Officer  
D.R.M. Office  
Northern Railway  
New Delhi.

4. Division Personnel Inspector  
DRM Office (HOER)  
New Delhi.

... Respondents

(By Shri B.S.Jain, Advocate)

O R D E R (Oral)

The applicant who was working as Head Booking Clerk at Railway Station, Samalkha is aggrieved that his OTA bills for the period 27.8.1989 to 10.7.1993 had not been sanctioned by the respondents. He submits that in the staff complaint book dated 28.1.1994, it was recorded that 'No OTA is due. Due to infringement of Duty Roster issued by the DRM's Office'. The applicant issued a legal notice to the respondents on 5.2.1994. Since no reply was given to that legal notice, this OA was filed on 9.10.1996 seeking a direction to the respondents to sanction the pending overtime bills and to make the payment with interest.

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2. The respondents were called upon to file a reply. They have raised a preliminary objection that the claim is time barred.

3. I have heard the counsel on the question of limitation. The learned counsel for the applicant vehemently argued that since the respondents did not reply to the legal notice and also because a notation was made on the representation of the applicant dated 25.5.1996 that the same is 'forwarded for needful action', the OA is not time barred as the same is still under consideration of the respondents.

4. Section 21 of the Administrative Tribunal's Act, 1985 requires that where a final order has been made in connection with the grievance an application before this Tribunal has to be filed within one year from the date of such final order and where an appeal or representation has been made, on the expiry of six months period thereafter. In the present case, the order regarding rejection of OTA bill was passed on 28.1.1994. The legal notice which may be treated as a representation was also sent on 5.2.1994. On the other hand, this application has been filed after a gap of more than two years. The OA is thus squarely barred by the limitation prescribed under Section 21 of the said Act. It is therefore summarily dismissed. No costs.

  
(R.K. Ahuja)  
Member(A)

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