

8

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO. 2236/2000

Wednesday, this the 9th May of 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri B.R. Khera
S/O Shri P.R.Khera
R/O 56/20, Ashok Nagar,
New Delhi-18.

..Applicant

(By Advocate: None)

VERSUS

1. The Union of India
Ministry of Urban Development & Employment,
through its Secretary, Nirman Bhawan,
New Delhi-11
2. The Director General (Works),
Central Public Works Department,
Nirman Bhawan, New Delhi-11.
3. The Chief Engineer,
North-east Zone, CPWD,
Shillong, Meghalaya.
4. The Executive Engineer (P & A),
Delhi Central Vidyut Circle-5,
Central Public Works Department,
New Delhi-1.

..Respondents

(By Advocate: Shri A.K. Bhardwaj)

O R D E R (ORAL)

Heard the learned counsel for the respondents and
perused the material placed on record.

2. The applicant's case is that he was entitled to
HRA at double the rates for the period from 3.8.1983 to
7.1.1989, but his claim has been wrongly rejected by the
respondents by their letter of 22.8.1998. He has prayed
for ~~the~~ grant of HRA at double the rates and also seeks
annulment of Govt. of India's instructions placed at
Annexure A-2 inasmuch as the same, according to the
applicant, stands in the way of grant of HRA at twice the

9

-9-

(2)

normal rates. The applicant has, after his claim was rejected, filed a further representation in the matter on 5.10.1998 (Annexure A-3). It seems that the same has not been replied to by the respondents so far.

3. The learned counsel for the respondents contends that the OA is hopelessly time barred inasmuch as the claim relates to the period ending 7.1.1989. Further, according to him, the applicant has not bothered to approach the Tribunal even after his claim was rejected on 22.8.1998 within the time permissible under Section 21 of the Administrative Tribunals Act 1985. In the circumstances, whichever way the matter is looked at, the OA is barred by limitation.

4. After considering the matter carefully, I am inclined to agree with the learned counsel's submission and hold that the OA is barred by limitation and deserves to be rejected summarily at this stage itself. The OA is accordingly dismissed. It is clarified, however, that the respondents will be free to take a view in the matter in the light of the aforesaid representation dated 5.10.1998 filed by the applicant which does not seem to have been replied to so far.

5. In the circumstances, present OA is dismissed on the ground of limitation. No costs.


(S.A.T. Rizvi)
Member (A)

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