

Central Administrative Tribunal

Principal-Bench

CA-220/92

(1A)

New Delhi, the 7th August, 1996.

Hon'ble Shri K.K. Ahooja, M(A)

J.P. Pandey,
S/o Sh.H.N. Pandey
C-34, Sarojini Nagar,
New Delhi.

...

Applicant.

(Adv. Sh. Ashish Kalia)

vs .

1. Union of India through
Director General of Works,
Niiman Bhawan,
New Delhi.

2. The Chief Engineer,
P.D Circle 2
Police Headquarters, MSO
Bldg. I.P. Estate,
New Delhi.

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Respondents)

ORDER (Oral)

Hon'ble Shri K.K. Ahooja, M(A)

When this matter came up on 9.7.96

~~none~~ appeared for the respondents. In view
~~the~~
of possibility of change of Central Govt. counsel

~~in~~ the intervening period, it was deemed **proper**
to issue fresh notice to the respondents which
was duly served on 16.7.96. Despite this none
has appeared today on behalf of the respondents.
therefore
The matter is being disposed of on the basis
of pleadings on record and arguments advanced
by the ld. counsel for the applicant.

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(5)

2. The learned counsel for the applicant submits that the applicant who was working as chowkidar with the respondents has not been paid OTA to which he was entitled in accordance with the Circular No.3/2/83 ECV dt. 4.6.1987 which provides that Chowkidars posted in Superintending Engineer's office are entitled to extra wages of overtime allowance under certain conditions. The applicant claimed the OTA from 1.1.74 but the respondents restricted the same from 1.1.1983. The applicant states that he filed a representation dated 16.5.91 which has not been finally disposed of by the respondents. The respondents in reply denied the allegation of the applicant and advanced the plea that the application is barred by limitation.

3. Learned counsel for the applicant argues that the representation of the applicant is still under consideration. The respondents had sought for a clarification vide their letter No.3/6/90-ECV dt. 30.4.1990 which was duly furnished on 28.7.90. In view of this position, it is not necessary to go into the merits of the application. It will meet the ends of justice, if the application is disposed off with the following directions:


- 1) Respondent no.2 is directed to consider the representation of the applicant

On

dated 22.3.90 with the clarification submitted by him on 28.7.90, 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.

No order as to costs.


(R.K. Ahuja)
Member (A)