

BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLD. BENCH,
ALLAHABAD

DATED : ALLD. ON THIS 22ND DAY OF APRIL, 1998

C.C. NO. 89 / 1996

I N

ORIGINAL APPLICATION NO. 749 OF 1994

CORAM : HON'BLE MR. S. DAYAL, MEMBER (A)

HON'BLE MR. S. L. JAIN, MEMBER (J)

Lala Ram Katiyar S/o Sri Ram Lal Katiyar
R/o Bholepur, Fatehgarh, Distt. Farrukhabad.

.... Applicant

C / A :- Shri S C Verma, Advocate

Versus

1. The Divisional Railway Manager (Personnel),
North East Railway, Izzat Nagar,
Bareilly, Sri S.K.Chopra.
2. The Divisional Electrical Engineer,
North East (N.E.) Railway, Izzat Nagar,
Bareilly, Sri Benchu Rai.
3. The General Manager (P), North East Railway,
Izzat Nagar, Bareilly, Shri R.K.Parasar.

.... Respondents

C / R :- Shri A.K.Gaur, Advocate

O R D E R (ORAL)

(By Hon'ble Mr. S. Dayal, Member (A))

This is an application under section 17 of Administrative Tribunals' Act, 1985 alleging wilful disobedience of the order of the Bench of this Tribunal passed in M.A.No.2421 of 1995 and 2419 of 1995 in O.A.No.749 of 1994.

2. The specific allegations of the applicant are that the Bench of this Tribunal had directed the respondents to decide the representation of the application regarding his claim for overtime with effect from 1977 to 1992 within a period of three months from the date of communication of the order and the respondents did not comply with this order.

3. The arguments of Shri S C Verma for the applicant and Shri A K Gaur for the respondents have been heard.

4. The order passed in M.A.No.2421 of 1995 and 2419 of 1995 in O.A.No.749 of 1994 makes it clear that the claim of the applicant was barred by limitation. The direction to the respondents was only to the effect that they may consider the representation of the applicant and may pass a speaking order.

5. Respondents in paragraph no.13 of their Counter Affidavit have mentioned that the DRM had decided the representation on 28.03.96 and the order of the DRM was communicated to the applicant. The order of the DRM is annexed to the CA and it mentions that the overtime and night duty allowance as asked for by the applicant was not admissible because he did not perform the duties beyond the roastered hours and he could not submit any documentary proof in support of his working hours. It has also been mentioned that as far as night duty allowance is concerned, he has already been paid as per the attendance sheet submitted for every month. The applicant in response has only made a prayer that the record of the respondents be called for and seen. We do not consider it necessary to do so because the claim of the applicant had been ruled out as barred by limitation by the order of the Bench itself and the respondents had considered the representation of the applicant and decided the same by a speaking order which they have done, as was required. Hence, we do not consider that there is any wilful disobedience of the order of the Bench of this Tribunal in O.A.No.749 of 1994. The contempt proceedings are, therefore, dropped. The notices issued are discharged and the case is consigned to the records.

Jyj
MEMBER (J)

Jyj
MEMBER (A)