

OPEN COURT

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO. 1259 OF 2004.

ALLAHABAD THIS THE 1ST DAY OF APRIL 2008.

Hon'ble Mr. Justice Khem Karan, Vice Chairman.

D.S. Chauhan son of late Prahlad Singh Chauhan, resident of near Railway Station, Bhogaon, District Mainpuri.

.....Applicant

(By Advocate: Shri R.K. Mishra)

Versus.

1. The Union of India through the General Manager, North Central Railway, Allahabad.
2. The Divisional Railway Manager, North Central Railway, Allahabad.
3. The Senior Divisional Accounts Officer (D.A.O) North Central Railway, Allahabad.
4. The L.E.O. Kanpur Central, North Central Railway, Kanpur.
5. The Divisional Traffic Manager, North Central Railway, Tundla.

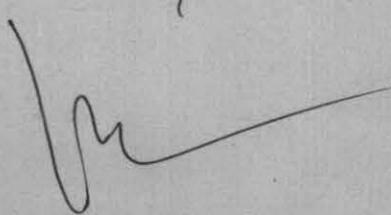
.....Respondents

(By Advocate: Shri A.K. Pandey)

ORDER

Applicant has prayed for directing the respondents to pay to him the pay of Station Superintendent (Rs. 6500-10500) for the period, he worked as Station Superintendent at Bhogaon and at Mainpuri and also to clear his bills for payment ^{of} overtime allowance.

2. His case, in brief, is that while working as Station Master, he also discharged the functions of Station Superintendent from 9.8.1996 to 31.3.1999 at Bhogaon and from 16.11.1999 to 30.6.2001 at Mainpuri but was not paid salary, admissible to Station Superintendent. He alleges ^{of} that he worked after office hours, ^{as} for the hours

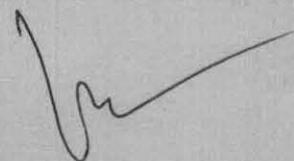


mentioned in A-5, but was not paid overtime allowance, inspite of submission of claims. Applicant says that he gave several representations in connection with the payment of overtime allowance and pay of Office Superintendent for the period mentioned above, but the respondents did nothing. This O.A was filed alongwith application under sub-section (3) of section 21 of the Administrative Tribunal Act, 1985.

3. The respondents have filed reply saying that the O.A. is highly time barred, that whatever the overtime allowance was found to be admissible, was paid to him and he is not entitled to the pay admissible to the Office Superintendent as there were no orders in writing asking him to discharge the functions of Office Superintendent.

4. I have heard Shri L.N Mishra holding brief of Shri R.K. Mishra, learned counsel for the applicant and Shri A.K. Pandey, learned counsel for the respondents.

5. The question that arises for consideration is as to whether the delay in filing the O.A. can be condoned under sub section (3) section 21 of the Act of 1985. It is said in this application under section 21, that he continued giving representations for redressal of his grievnace but there was no response from the side of the respondents. Though the respondents have come with a reply that no such representations were ever received. But assuming that the representations were there as claimed in this application and in the O.A., the Tribunal is of the view that giving of representations will not extend the period of limitation. What relevant is that overtime allowances and the grade of Station Superintendent, are being claimed from 1996. He retired on 30.6.2001 and filed this O.A. in October 2004. In other words, he kept mum for about 2 or 3 years, ~~or~~ even after the retirement and did not care to come to the



Tribunal soon after the retirement. It appears that the O.A is highly time barred. It is not possible to condone such inordinate delay. The applicant was not diligent in pursuing the matter. Such person is not to be assisted, in view of the law laid down by the Apex Court in the case of *Secretary to Govt. of India and others Vs. Shivram Mahadu Gaikwad* reported in (1995) 30 Administrative Tribunals Cases 635. So the O.A. is dismissed as time barred.

No costs.

1. June 08
21.6.08
Vice-Chairman

Manish/-