

2 A2
1

In the Central Administrative Tribunal, Allahabad.

Registration O.A.No. 372 of 1988

Km. S. Chauhan ... Applicant.

Versus

D.R.M., Railway ... Respondents.

Hon'ble Ajay Jauhari ... A.M.

Hon'ble G.S. Sharma ... J.M.

O R D E R

By this application, made under section 19 of the Administrative Tribunal Act XIII of 1985 the applicant who is working as a Mid-wife in the medical department of the Central Railway at Jhansi, has prayed that in terms of the finding of the enquiry officer and the observation made by the Senior D.P.O., Jhansi, since the transfer of the applicant from Jhansi to Bhopal was not justified, the period of absence from 5.2.82 to 1.6.83 should be treated as duty and she should be paid accordingly. To get this relief she has been representing many times to the medical department Central Railway, Jhansi who has not given any reply to the representation.

39/

We have heard Sri C.H.S. Shivpuri, learned counsel for the applicant. He contends that the punishment of W.I.T. for one year was imposed on the applicant for her unauthorised absence from duty with effect from 5.2.82 to 1.6.83, and the applicant had made an appeal against the same. Her appeal was allowed to the extent that her posting from Jhansi to Bhopal was not justified, and therefore, the aforesaid period should be taken to be on duty. It was further contended

that the applicant has made repeated representations for payment of her dues for the so-called unauthorised absence from duty, the first representation being dated 5.2.82, but no reply has yet been given to her.

We have considered the contention of the learned counsel for the applicant and we are of the view that the applicant was not completely exonerated of the charge of her remaining on unauthorised absence from duty. Only her transfer was found unjustified. She has been making representations right from 1982 and, therefore, the claim for payment of wages has become barred by time Under section 21 of the Administrative Tribunal Act as the limitation for such claims starts running from the first representation and subsequent representation made by her will not extend the limitation.

As discussed above, we find the petition devoid of any force and, therefore, the same is dismissed at the admission stage.

J. M.
J.M.

A. M.
A.M.

Dated: December 1st, 1988.

Hasnain.