

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

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Allahabad : Dated this 17th day of January, 2000

Original Application No. 1148 of 1992

District : Bareilly

COURT :-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiq Uddin, J.M.

Janardan Kishore

S/o Late Sri Ram Swarup,
Agrawal, Master Craftman, Ticket No. 2357,
Wagon Repairs Shop, II N.E. Railway Workshop,
Izatnagar R/o Railway Quarter No. I/68A, Office,
Colony, N. Railway, Izatnagar, Bareilly.

(Sri D.P. Singh, Advocate)

. Applicant

VERSUS

1. The Union of India
Through General Manager,
N.E. Railway, Gorakhpur.
2. The Chief Workshop Manager,
N.E. Railway, Izatnagar.
3. The Chief Mechanical Engineer,
N.E. Railway, Gorakhpur.
4. The Chief Personnel Officer, N.E. Railway,
Gorakhpur.
5. The Addl. General Manager,
N.E. Railway, Gorakhpur

(Sri A.K. Gaur, Advocate)

. Respondents

ORDER (Oral)

By Hon'ble Mr. S. Dayal, A.M.

This application has been filed seeking the following
reliefs :-

(a) A direction holding that the applicant had
held the skilled post and has worked on pin
pointed jobs, as he held the post which had
been upgraded w.e.f 1-10-1962 and was entitled
to arrears of salary w.e.f. 1-10-1962 to
20-12-1972.

- (b) A direction that the orders already passed by the appellate and revisional authorities under the payment of Wages Act be ignored.
- (c) A direction setting aside the order of Addl. General Manager N.E.Railway, Gorakhpur dated 6-10-1989.
- (d) A direction condoning the delay in filing the application.

2. The applicant has referred to the order of the Railway Board in his application dated 3/4-6-1963 and 23-9-1963 in which the General Manager was asked to pin point actual holders of skilled grade to be paid arrears. A list was prepared by Works Manager, Izzatnagar containing pinpointed jobs and persons entitled for payment of arrears. The applicant made representations for payment of arrears of pay for doing work of highly skilled welder Grade II, in Erecting shop from January 1962 to August 1969 and thereafter in in Smithy Shop upto 20-12-1972. The applicant claims to have made representation while he was in Smithy shop on the ground that the Foreman Erecting shop and Smithy shop endorsed his working in their shops as Highly skilled welder Grade I.

3. We have heard the arguments of Sri Sri A.K. Gaur, counsel for the respondents. None is present for the applicant.

4. It is clear from the record of the case that the applicant had agitated the same issue before the Prescribed Authority under Payment of Wages Act. in case No. 4/1974 under Section 15 of the Payments of Wages Act and it was held that a sum of Rs. 2213/- was due to the applicant which should be paid alongwith compensation of Rs. 22130/. An appeal against this order was preferred in the Court of District Judge, Bareilly and was numbered as Misc. Appeal No. 253/1974. The order of the Prescribed

Authority was set aside and the claim of the applicant was dismissed. It was found that no record was available in pin pointing an employee to be working on an upgraded post. The appeal was allowed and the order of the Prescribed Authority was set aside. A revision was preferred by the applicant before the Hon'ble High Court. The revision was dismissed with the observation that the applicant's claim was not one of potential wages, but the finding that it was not acceptable was not interfered with. The case of the applicant was thus decided on merits under Payment of Wages Act. He is seeking a re-opening of the case through this OA which could not be permitted.

5. Even considering the case from the point of view of laches, we find that the cause of action arose in 1962 to 1972 and the application has been filed in 1992. Therefore, the application is grossly barred by limitation besides lacking in merit. The application is, therefore, dismissed with no order as to costs.

D. Ferguson

Member (J)

A.
Member (A)

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