

OA 749/94

M.M.

28.8.95

Hon. Dr. R.K. Saxena JM

This is the 3rd round, none is present for the applicant. This application was moved with the relief that the direction of payment of the allowance of the overtime be given to the applicant. Learned Counsel for the applicant was asked on 23.6.94 to produce documentary evidence in support of his contention. He had sought time which was allowed, since then the matter was lingering on and the learned Counsel for the applicant either failed to appear or sought adjournment and on some occasion the sitting of single member Bench does not take place.

The case was ordered to be listed today on 28.8.95. Yet none is present. Hence the case is dismissed for default.



JM

9.10.95

Hon. Mr. S. Dayal, AM

Advocates have resolved to not to work. Faculty. Retained to 4.1.96 for order.

6/1
29.9.

on
num 242195 & 241995
is submitted

B.O.P
L.

4.1.96Hon'ble Mr S. Das Gupta, A.M.

Misc. Application No.2421/95 has been moved by the learned counsel for the applicant seeking restoration of the original application which was dismissed in default vide order dated 28.8.95. In view of the submission made therein the order dated 28.8.95 is recalled and the is restored to its original number.

2. The order sheet discloses that on 23.6.94 when the case came up for admission for the first time, the learned counsel for the applicant was directed to file Supplementary Affidavit for placing relevant documents regarding over-time working of the applicant. The applicant has filed Misc. Application No.2419/95 enclosing certified copies of duty chart from 16th day of July 1980 onwards. From the entries, it is not clear how many hours the applicant was made to work on the various dates for which entries have been made in the duty chart. Moreover, the claim for over-time pertains to the period from 1977 to 1992. The applicant states that he made representation for payment of over-time on 21.4.92. The present application having been filed on 3.5.94, is beyond the period of limitation. Subsequent, representations stated to have been made can not extend the period of limitation.

3. I have considered the application carefully. Though it is barred by limitation, in my view the ends of justice require that the respondents should decide the representation of the applicant. The applicant may communicate this order to the respondents alongwith a copy of the representation and the respondents shall consider and take appropriate action thereon, in accordance with extant rules, within a period of three months from the date of receipt thereof. In case, no payments are to be made to the applicant, decision may be communicated to him by a speaking order.

4. This application is disposed of with the above direction in limine.



A.M.

