

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

T.A. No.122 of 1996
(CR. 10831-W/81)

Present: Hon'ble Mr. S. K. Ghosal, Administrative Member

Indrani Narayan Brahma, S/o Late Charu
Chandra Brahma, residing at Canning
P.S. Canning, Dist. 24 Parganas

... Applicant

VS

1. Divisional Personnel Officer,
Sealdah, Eastern Railway, Divisional
Office at Sealdah, Calcutta

2. The Divisional Superintendent,
Eastern Railway, Sealdah Division,
Sealdah, Calcutta

3. The General Manager, Eastern Railway
having its office at 17, Netaji Subhas
Road, Calcutta-1

4. Union of India, through the Secretary,
Railway Ministry, Government of India,
Railway Bhavan, New Delhi

.... Respondents

For the Applicant(s): Mr. H. Poyra, counsel

For the Respondents : Mr.R.K. De, counsel

Heard on 05.12.2000

: : Date of order: 05.12.2000

O R D E R

The applicant had originally filed a writ petition before the Hon'ble High Court at Calcutta on 5.11.1981 seeking a direction to the respondents for making payment of the overtime allowances due to him for the period from January, 1970 to December, 1976. The matter came to be transferred to this Bench and numbered as TA 122/96. In the order passed by the Single Member Bench of this Tribunal dated 8.3.99 the respondents were directed to make the payment to the applicant as claimed in the application within three months from the date of communication of that order. It also awarded a cost of Rs.500/- to be paid by the respondents to the applicant.

2. The respondents filed a reply statement on 19.6.2000

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specifically asserting that the applicant had been paid all his overtime dues from 1.7.1970 to 14.1.1976 amounting to Rs.26,370.67P through bill No.E/1142 dated 28.12.84 and passed under AB No.ESI B dated 2.1.85 and C07 No.646794E dated 3.1.85. ⁴⁹ ~~Rs.26,370.67P~~ mentioned above, ⁴⁹ The earlier order in the meanwhile had been recalled in a review proceeding and the matter was posted for further hearing on 21.7.2000.

3. At the final hearing of the matter held today the learned counsel for the applicant has filed a rejoinder to the reply statement of the respondents of which admittedly a copy had been served on the learned counsel for the respondents earlier.

4. I observed ⁴⁹ that in the rejoinder it has been averred on behalf of the applicant that the respondents do not have any record to produce before the Tribunal and that the respondents have filed a reply statement with a false story and with the manufactured papers. It has further been stated in the rejoinder that the respondents should produce C07 accounts code and claims of bill before the Court. It is strange that the applicant even at this late stage has not specifically denied having received the amount of Rs.26,370.67P which the respondents have averred in the reply statement as having been paid to the applicant way back in 1985.

5. I have gone through the records submitted for my perusal by the learned counsel for the respondents including a copy of the acquittance roll. The said copy is taken on record. It has also been shown to the learned counsel for the applicant. There can be little doubt that the applicant, Indra Narayan Brahma, received the amount of Rs.26,370.67P by cheque No.A 477421 / 019097 dated 3.1.85.

6. In the absence of any specific denial of the fact of receipt of the said amount by the applicant, I am of the considered view that there remains nothing for this Tribunal to adjudicate further. The only prayer made by the applicant being

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for the payment of the overtime allowances from January, 1970 to December, 1976 and the record establishing that the said amount was indeed paid to the applicant and duly received by him, the present proceedings have become infructuous.

7. Before parting with the matter I must record my ^{strong}~~strong~~ feeling that the original application being a transferred matter, ^{and} having not been duly authenticated by the applicant ^{by himself}, the present proceedings have taken an appearance of a case which had the effect of misleading this Tribunal. In future the Registry is directed to make sure that the persons signing the O.A. or a transferred matter on behalf of the applicant does produce the valid letter of authority as is required under CAT (Procedure) Rules, 1987. With the above observation the T.A. is disposed of ^{as one} without any merits. No cost.

(S. K. Ghosal)

MEMBER (A)