

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR

26

DATE OF ORDER : 20.05.2002

O.A. NO. 249/2001

Sohan Raj S/o Moolchand Aged 62 years by caste Brahmin Resident of Khagal, Phulla Road,, Jodhpur Last employed as Electric Wireman, Grade I O/o Electrical Engineer, Northern Railway, Jaisalmer.

.....Applicant

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi 110 001.

Divisional Railway Manager, Northern Railway, Jodhpur.

Electric Engineer, Northern Railway, Jodhpur.

.....Respondents

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None Present for the applicant.

Mr. Salil Trivedi, counsel for the respondents.

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CORAM :

Hon'ble Mr. Justice O.P. Garg, Vice Chairman.

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ORDER

BY THE COURT :

It is a second call, however, none appears on behalf of the applicant. The learned counsel for the applicant is also not present. Heard Shri Salil Trivedi, appearing on behalf of the respondents.

2. The applicant stood superannuated from the post of Electric Wireman Grade I on 31.12.1996. He, by means of this application under

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Section 19 of the Administrative Tribunals Act, 1985, has preferred claim for the allowance on account of Over-time duties performed in the year 1992-93. The applicant made a representation for the first time in this regard on 30.08.2000 which was rejected by the departmental authorities by an order dated 22.9.2000, a copy of which is Annexure A/1. It is this order which has been challenged by the applicany by filing this application.

3. Mr. Salil Trivedi, counsel for the respondents, pointed out that the present O.A. is time barred. This point has been considered by me with due concern. The claim in question relates to the year 1992-93. The applicant remained silent right up to August 2000 by not preferring any representation or application to this effect. It is a well settled position of law that the period of limitation can not be treated to have been enlarged merely because an infructuous representation has been rejected <sup>at</sup> a later stage. The applicant can not, therefore, claim the benefit of limitation from the date of rejection of his representation on 22.9.2000. His claim for Over-time allowance for the year 1992-93 is hopelessly barred by time.

4. Besides the fact that the present application is barred by time, the applicant has no case on merits. The reply filed by the respondents clearly indicates that the applicant has never worked on over-time basis for the period he has preferred the claim. An enquiry was also made and it was found that the claim of the applicant was incorrect. In this connection a reference may be made to Annexure R/1 filed alongwith the reply. Therefore, even on merits no case has been made out for grant of Over-time allowance.

5. The O.A. is accordingly dismissed both on the ground of limitation as well as on merits. No order as to costs.

*O.P. Garg*  
(Justice O.P. Garg)  
Vice Chairman

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~~23(5)(b)~~

Part II and III destroyed  
in my presence on 13-2-03  
under the supervision of  
Section Officer 141570 as per  
order dated 14-5-03

Section Officer (Report)

Copy made sent to Appical  
M/s 149 dt 30-5-2002

As per  
with respect

6/6/02