

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. No. 36/2012

Lucknow this the 27th day of January, 2012.

Hon'ble Justice Shri Alok Kumar Singh, Member (J)

Durgesh Bahadur Singh, Aged about 49 years S/o Sri Chhedi Singh
R/o 775/02-Sayeedganj Near Railway Model Colony, Raebareli.

Applicant

By Advocate Sri P.K. Shukla.

Versus

1. Union of India through the Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
2. Senior Divisional Commercial Manager, Northern Railway, Lucknow.
3. Divisional Finance Manager, Northern Railway, Lucknow.
4. Senior Divisional Personnel Officer (ADJ) Northern Railway, Lucknow.

Respondents

By Advocate Sri Ashok Kumar.

Order(Dictated in Open Court)

By Hon'ble Justice Shri Alok Kumar Singh, M(J)

Heard. By means of this O.A., order dated 20.01.2011 has been impugned. This order has been passed in pursuance to the direction accorded by this Tribunal vide judgment/order dated 09.09.2010 passed in O.A. No. 459/2009. This is in respect of payment of over time dues. The claim of the applicant has been rejected mainly on the ground that the claims for doing over time in between 19.05.2002 to 06.09.2003 have been filed after 3 years expiry of prescribed period. It has been further clarified that these claims have already been rejected on the above ground. Further the claim for the part time allowance can be made only when in support of the claim the orders passed by the competent authority have been enclosed. It has been further mentioned in the impugned order that when earlier similar claim was made for the aforesaid period and it was found that he had worked only for 2 hours extra and necessary payment was made in accordance with the rules. But beyond that claim can not be accepted. It has been further mentioned that in furtherance of the order of this Tribunal, however the matter was examined from the record and was found that the working

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for over time has not been mentioned in the diary and there is no order on record that the competent authority had directed him to work for over time. Moreover, the prescribed time for making such claims is 60 days whereas, the claims have been moved after lapse of about 3 years. Therefore, after rejecting his claim, which he had filed earlier, the applicant was informed on 27.12.2008 and 19.12.2008 with full details. Even then, in furtherance of the order passed by this Tribunal, the matter was revisited and examined from the record and was found that the order which was passed by the predecessor was totally justified.

2. The aforesaid points have not been dealt with in the entire pleadings contained in this O.A. In fact, the pleadings are unclear and hazy. The learned counsel for the applicant wants to make some amendments. But he has not even brought any documentary evidence on record to refute the aforesaid points. Therefore, there is no justification to keep this O.A. pending. At the most, he can be permitted to file it afresh after incorporating desired amendments. This would also enable him to lay hands on some documentary evidence on his support if any.

3. In view of the above, presently this O.A. is dismissed as not pressed with permission to file afresh in accordance with law. No order as to costs.

Alok Kumar Singh
27.1.12.

(Justice Alok Kumar Singh)
Member (J)

Vidya