

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Original Application No.175/2007
This, the 26th day of September 2007

Hon'ble Mr. M. Kanthaiah, Member (J)

Abdul Hamid aged about 63 years, son of Late Abdhllah, resident of Pasharganj, Ghosiyana, Tehsil Sadar, Distt. Faizabad.

Applicant.

By Advocate Shri M.U.H. Siddiqui.

Versus

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager (DRM), Northern Railway, Hazratganj, Lucknow.
3. Senior Section Engineer (Loco), Northern Railway, Faizabad.

Respondents.

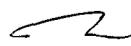
By Advocate Shri C.B. Verma.

ORDER

By Hon'ble Mr. M. Kanthaiah, Member (J)

Heard both sides.

2. The applicant has filed this O.A. stating that his medical examination, during 28.01.2000 to 11.04.2000 to be treated as duty period and thus claimed allowance of out station for 40 days from 28.01.2000 to 11.04.2000 at Rs. 135/- per day amounting Rs.5400/- along with interest at 18% per annum from the respondents. The applicant has filed OA on 07.05.2007 with condone delay application.



3. Respondents have filed Preliminary objection, for admission on the ground that the claim of the applicant for the period of 2000 is barred by limitation and thus opposed.

4. Heard both sides.

5. Admittedly, the claim of the applicant is for the year 2000. The applicant also filed Application under Section-5 of Limitation Act for condonation of delay in filing O.A. on the ground that he is not aware of filing immediately after rejection order passed by the Dy. Labour Commissioner, Faizabad. Further, he made representation to the higher authority and due to pendency of the same there was such delay in filing OA. In support of it he relied on the orders of Dy. Labour Commissioner, Faizabad Dated 27.8.2003 rejecting his claim on the ground that the matter will not come within his purview and also relied on the copy of representation Dated 22.2.2007.

6. The grounds taken by the applicant for condonation of delay in filing OA that the party is not aware in respect of limitation is not at all a justified ground and as such, he is not entitled to get any benefit on that score. Coming to the second ground that he made representation Dated 22.2.2007 and the same is still pending is also not at all a justified ground, since his representation was made after more than three years after rejection order passed by Dy. Labour Commissioner, Faizabad Dated 27.08.2003 and as such the said claim for condoning the delay in filing OA is also not sustainable.



7. Thus, the grounds sought by the applicant for condonation of delay in filing OA are not at all sustainable and condonation of delay application is dismissed and as such the OA is rejected. No costs.



**M. Kanthaiah,
Member (J)**

26.09.2022

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