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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

LUCKNOW CIRCUIT BENCH

Review Application No.87/1991(L)

In

Registration No. No.332 of 1990

Ganti Prasad ..... Applicant

V. L. Das

Union of India & Others.... Respondents

Hon. Mr. Justice K. Nath, V.C.

Hon. Mr. K. Obayya, Member (V.)

(By Hon. Mr. Justice K. Nath, V.C.)

This application under Rule 17 of the Central Administrative Tribunal (Procedure) Rules, 1987 has been filed for review of our judgement dated 12.12.90 by which the applicant's O.A.No.332/90 was dismissed as barred by time.

2. The application under Section 19 of the Act was filed on 5.10.90 to claim overtime allowance for the period from 17.12.73 to 3.9.87. The only relevant fact stated in the petition in order to save limitation was that the applicant's claim had not been refused by the respondents till the filing of the application under Section 19 of the Act. It was held that the mere absence of an order refusing the claim of overtime does not save limitation because the claim for overtime accrues not from the date on which it was refused but from the date when it is due.

3. In this application for review the petitioner refers to several communications in connection with his overtime claim. Annexure-13 is a copy of one

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dated 27.9.88 of the S.O. in which he asked the applicant to submit a claim duly signed by the officer concerned. Annexure-14 is the applicant's reply stating that the concerned official had advised him that he should request E.II Section to make OTA claim for the period from April, 1981 to December, 1982 and thereafter the OTA claim for the period from 17.12.73 to 3.9.87 would be settled. Annexure-15 is the applicant's letter to Accounts and Cash Branch requesting to make available the Attendance Registers to enable him to prepare his OTA claim from 17.12.73 to 3.9.87. Annexure-16 is a report dated 15.3.89 of E-II Section suggesting that the R.O. Lucknow may be requested to certify the OTA bills with Attendance Register. Annexure-17 is a letter dated 13.7.90 of the concerned office to E-II Section stating that the Attendance Registers for the years 1973 and 1974 and from 1976 to 1986 had been sent to Estt.II Section by letter dated 4.2.87. Annexure-18 is a letter dated 17.8.90 of the Officer-in-Charge of the concerned Section again informing the E-II Section that he had nothing in connection with the Attendance Registers" of the period from 1973 and 1987.

4. This is all the correspondence which is sought to be considered in the Review Application to show that the applicant had been pursuing his

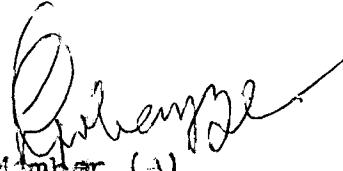
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claim; but it is noticeable that at no stage any authority accepted the applicant's claim so as to constitute an acknowledgement within the meaning of the Limitation Act for extension of the period of limitation. In the circumstances, we find no error apparent on the face of the record to justify a review of our judgement.

5. The Review Application is dismissed.

  
Member (A)

  
Vice Chairman

Dated the 9<sup>th</sup> May, 1991.

RKM