

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
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Commercial Complex(BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 23 MAR 1989

APPLICATION NO (S) 223 / 89(F)

W.P. NO (S)

Applicant (s)

Shri M.A. Hadagali

To

Respondent (s)

V/s The Senior Divisional Personnel Officer,  
South Central Railway, Hubli & 4 Ors

1. Shri M.A. Hadagali  
S/o Shri Abdul Majid  
Gateman - B  
Railway Station  
Davanagere  
Chitradurga District
2. Shri S.A. Khuddus  
Advocate  
28/3, Railway Parallel Road  
10th Cross, 12th Block, Kumara Park West  
Bangalore - 560 020
3. The Senior Divisional Personnel Officer  
South Central Railway  
Hubli - 580 020
4. The Divisional Railway Manager  
South Central Railway  
Hubli - 580 020
5. The Divisional Commercial  
Superintendent  
South Central Railway  
Hubli - 580 020
6. The Chief Goods Supervisor  
South Central Railway  
Hubli - 580 020
7. The Labour Enforcement Officer  
(Central), No. 306/A, Brock Road  
Hubli - 580 020
8. Shri K.V. Lakshmanachar  
Railway Advocate  
No. 4, 5th Block  
Briand Square Police Quarters  
Mysore Road  
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~STAY ORDER~~ ORDER  
passed by this Tribunal in the above said application(s) on 20-3-89.

issued  
K. M. M.  
23-3-89

o/c  
DEPUTY REGISTRAR  
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH, BANGALORE.

DATED THIS THE TWENTIETH DAY OF MARCH 1989

Present : Hon'ble Shri P.SRINIVASAN .. MEMBER(A)

APPLICATION NO.223/89(F)

M.A.Hadagali,  
Gateman-B,  
Railway Station,  
Davangere.

.. Applicant

(Sh.S.A.Khuddus .. Advocate)

1. The Senior Divisional Personnel  
Officer,  
South Central Railway,  
Hubli 580 020.

2. The Divisional Railway Manager,  
South Central Railway,  
Hubli 580 020

3. Divisional Commercial Supdt.,  
South Central Railway,  
Hubli 20.

4. The Chief Goods Supervisor,  
South Central Railway,  
Hubli.20 .

5. The Labour Enforcement Officer,  
(Central), No.306/A, Brock Road,  
Hubli 20.

.. Respondents

(Sh.Lakshmanachar .. Advocate)

This application has come up today before this Tribunal  
for Orders. Hon'ble Member(A) made the following:

O R D E R

This application has been listed for today for considering  
the interlocutory application (IA) filed by the applicant as well as  
for admission of the main application. Shri Syed Abdul Khuddus for  
the applicant and Shri K.V.Lakshmanachar for the respondents South  
Central Railway, have been heard.



2. In the main application the applicant complains that he  
has not been paid Officiating Allowance and Over Time Allowance for  
the period 1.3.1974 to 2.5.1984 in the post of Seaman/Revitter in

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which he officiated during that period. Though the applicant moved the Railway Administration for payment of these allowances as early as in 1985, the Divisional Personnel Officer, South Central Railway, Hubli wrote to the applicant on 20.1.1987 (Annexure A-7) asking him to furnish certain information in order to process his claims. The applicant furnished the requisite information by his letter dated 2.2.1987 (Annexure A-8). Since nothing happened thereafter, the applicant sent a reminder on 6.1.1989 and again on 30.1.89. So far the respondents have not disposed of his claim.

3. The question of limitation has to be considered first. Strictly speaking, the applicant having furnished the information required by the Railway for considering his claim on 2.2.1987, he could, under Section 21 of the Central Administrative Tribunals Act, 1985 have waited for a period of six months thereafter and filed an application before this Tribunal within a further period of one year. In other words this application should have been filed on or before 2.8.1988. It has actually been filed on 20.3.1989 more than 6 months beyond the period of limitation.

4. Shri Syed Abdul Khuddus submits that, having furnished the requisite information, the applicant was hopeful that his claim would be settled by the Railway Administration, since he continues to be in service. The applicant felt that atleast for some time it would be wiser not to take up the matter before this Tribunal lest such an action prejudice his case before the Administration. Further, the applicant had been ill from 1986 and is even now an out-patient in the Railway Hospital at Dharwar. Shri K.V.Lakshmanachar appearing for respondent 1 to 4 resists <sup>the</sup> prayer for condonation of delay made in the interlocutory application.

5. There is one more respondent in this case namely the Labour Enforcement Officer on whom notice of this application has been

served and who has chosen to remain absent.

6. After careful consideration I am of the view that the delay in filing the main application in this case is justified by reasonable cause. 1, therefore, condone the delay and dispose of the I.A. The application is admitted.

7. I find that the application can be disposed of at this stage itself. I have heard counsel for both sides on the merits of the application. What is seen from the correspondence filed with the application is that the Railway Administration is seized of the matter but has not given any reply to the applicant so far. It is somewhat distressing to note that after calling for the requisite information in January 1987 and after the same was furnished by the applicant in February 1987, the Railway Administration should take so long to dispose of the matter. The Railway Administration is hereby directed to dispose of the applicant's claim for officiating pay and OTA allowance during the period he was officiating as Seelman/Revitter. This should be done within 3 months from the date of receipt of this order.

8. The application is disposed of on the above terms, ~~at the stage of admission itself~~, leaving the parties to bear their own costs.



TRUE COPY

Sd/-  
MEMBER (A) 20/3/87

*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE BENCH  
\*\*\*\*\*

Commercial Complex (BDA)  
Indiranagar  
Bangalore - 560 038

Dated : 15 SEP 1989

CONTEMPT

PETITION (CIVIL) ~~XXXXXX~~ NO (8)

63

/ 89

IN APPLICATION NO. 223/89(F)

W.P. NO (D)

Applicant (x)

Respondents

Shri M.A. Hadagali

V/s

The Senior Divisional Personnel Officer,  
South Central Railway, Hubli & anr

To

1. Shri M.A. Hadagali  
S/o Shri Abdul Majid  
Gateman - 8  
Railway Station  
Davanagere  
Chitradurga District

4. The Divisional Railway Manager  
South Central Railway  
Hubli - 580 020

2. Shri Syed Abdul Khuddus  
Advocate  
14, 5th Main, 11th Cross  
Ganganagar (Ganganahalli)  
Bangalore - 560 032

5. Shri K.V. Lakshmanachar  
Railway Advocate  
No. 4, 5th Block  
Briand Square Police Quarters  
Mysore Road  
Bangalore - 560 002

3. The Senior Divisional Personnel Officer  
South Central Railway  
Hubli - 580 020

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/~~223/89~~ ~~INTERIM ORDER~~

C.P. (Civil)

passed by this Tribunal in the above said application (x) on 29-8-89

DEPUTY REGISTRAR  
(JUDICIAL)

Encl : As above

CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE

DATED THIS THE 29TH DAY OF AUGUST, 1989

Present: Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman  
and  
Hon'ble Shri P. Srinivasan, Member (A)

CONTEMPT PETITION NO. 63/1989

Shri M.A. Hadagali,  
major, S/o Abdul Majid,  
Gateman-8, Rly. Station,  
Davanagere,  
Chitradurga District.

... Complainant.

(Shri Syed Abdul Khudus, Advocate).

v.

1. Shri S. Venkateshwarlu,  
Sr. Divl. Personnel Officer,  
South Central Railway,  
Hubli-20.

2. Shri S.A. Mallik,  
Divisional Railway Manager,  
South Central Railway,  
Hubli-20.

... Respondents.

(Shri K.V. Lakshmanachar, Advocate)

This application having come up for hearing to-day,

Shri P. Srinivasan, Hon'ble Member (A) made the following:

ORDER

In this petition, the applicant in application No.223/89 complains that the respondents therein have not complied with the order dated 20.3.1989 by which the said application was disposed of by one of us (Hon'ble Shri P. Srinivasan) sitting as a single member bench. In that order, this Tribunal directed the respondents to dispose of the applicant's claim for officiating pay and over-time allowance during the period he was officiating as Sealman/Revitter. The respondents thereupon, the Divisional Railway Manager, Hubli passed an order on 30.6.1989 informing the applicant that

*[Signature]*

his request for officiating pay had not been agreed to. This was followed by another letter dated 10.7.1989 written on behalf of the Divisional Railway Manager, Hubli, to the applicant reiterating that he was not entitled to officiating allowance.

2. Shri Khuddus submits that the aforesaid letters dated 30.6.1989 and 10.7.1989 did not constitute compliance with the order of this Tribunal. He further submits that the applicant is eligible to officiating pay and the Over Time Allowance and the authorities have wrongly denied him the same.

3. Shri Lakshmanachar for the respondents submits that this Tribunal had only directed the railway authorities to take a decision on the applicant's representation for grant of OTA and officiating pay. This Tribunal had not gone into the merits of the applicant's claim and therefore did not direct <sup>H. H. H.</sup> the applicant's representation should be decided one way or the other. The respondents had, after considering the matter, come to the conclusion that the applicant was not entitled to officiating pay and DTA. By passing the said orders on 30.6.1989 and 10.7.1989, the respondents had fully complied with the orders of this Tribunal and so, they were not guilty of contempt of this Tribunal.

4. After careful consideration, we agree with Shri Lakshmanachar that the said orders dated 30.6.1989 and 10.7.1989 constitute full compliance with the orders of this Tribunal. If the applicant is still aggrieved with the decision conveyed in these orders, that would be a fresh cause of action; he is at liberty to challenge the same separately before this Tribunal if he so deems fit.

*P. S. - Ge*

5. In view of the above, the notice of contempt is discharged and the proceedings dropped. The Contempt of Court petition is dismissed. Parties to bear their own costs.



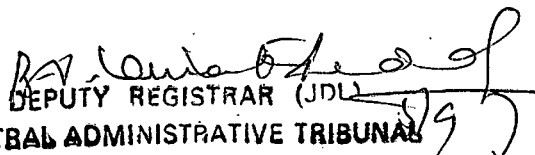
Sd—

VICE-CHAIRMAN

Sd—

MEMBER (A) 29/10/11

TRUE COPY

  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE