

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH
CAMP AT NAGPUR

O.A. No. 635/90
~~XXXXXX~~

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DATE OF DECISION 11.1.1991

N.V. Shastri Petitioner

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Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Mr. P.S. Lambat Advocate for the Respondent(s)

CORAM

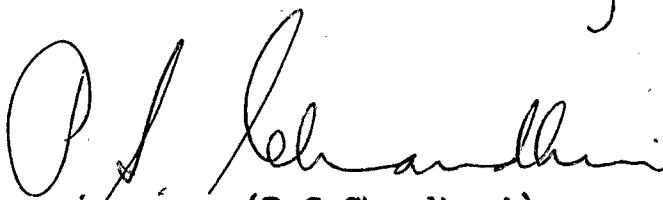
The Hon'ble Mr. D. Surya Rao, Member (J)

The Hon'ble Mr. P. S. Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

Yes

No


(P. S. Chaudhuri)
Member(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY
CAMP AT NAGPUR
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Original Application No.635/90

Narayan Vithalrao Shastri,
Prasad Colony, Jatharpeth,
Akola 444 005.

... Applicant

V/s

1. Union of India, Ministry of
Railways, Rail Bhavan,
New Delhi.
2. Divisional Railway Manager,
Hyderabad (Meter Gauge Divn),
Secunderabad, SC Railway.

... Respondents.

CORAM : Hon'ble Member (J), Shri D.Surya Rao.
Hon'ble Member (A), Shri P.S.Chaudhuri.

Appearances:

Applicant in person and
Mr. P.S.Lambat, Advocate,
for the respondents.

ORAL JUDGEMENT:

Dated : 11.1.1991.

Per. P.S.Chaudhuri, Member (A)

C
This application under Section 19 of the
Central Administrative Tribunals Act, 1985 was filed
on 27.8.1990. In it the applicant who was working as
Chief Controller, Akola under the South Central Railway
is claiming payment of overtime dues of approximately
Rs.15,000/- arising from ^{allegedly} incorrect classification of
his duties as 'continuous' instead of 'intensive'
under the rules of employment regulations.


2. We have heard the applicant in person and
Mr. P.S.Lambat, learned counsel for the respondents
who waives notice.

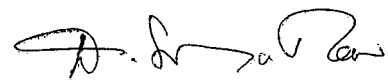
3. It is submitted by the applicant that his duties
were originally classified as 'intensive' but were
subsequently changed to 'continuous' in 1986. The
applicant along with his co-workers made a representation

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against this change of classification on 25.5.1988. It was fairly stated by the applicant that they have received a reply rejecting this representation on 22.6.88. It is the applicant's case that he did not pursue the matter thereafter for fear of earning the displeasure of the respondents. We are unable to go along with this apprehension of the applicant. It is incumbent on him to safeguard his own rights and adequate protection is available to him should he choose to do so. In view of these circumstances we are of the view that this application is hopelessly barred by limitation in as much as it was filed over two years after the cause of action.

4. We accordingly summarily reject this application under Section 19(3) of the Central Administrative Tribunals Act, 1985.


(P.S. Chaudhuri)
Member (A)


(D. Surya Rao)
Member (J)