

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

O.A.1043/95

MONDAY the 26th day of FEBRUARY 1996

CORAM: HON'BLE SHRI P.P.SRIVASTAVA, MEMBER(A)

Smt. B.S.Sequera .. Applicant
(By advocate Shri H.T.Ameta)

-versus-

Union of India & Ors. .. Respondents
(BY Advocate Shri V.S.Masurkar)

O R D E R

(Per P.P.Srivastava, Member(A))

Heard Shri H.T.Ameta for the applicant
and Mr.V.S.Masurkar for the respondents.

2. The only claim surviving now in this
O.A. is that non payment of night duty allowance
to the applicant ^{who} (2) has worked in the night shift
intermittently from 3-6-92 when she was posted at
Bandra. During this period the applicant has worked
in the night duty, as submitted by the counsel for
the applicant, every alternate week. She continues
to work there and therefore entitled to night duty
allowance.

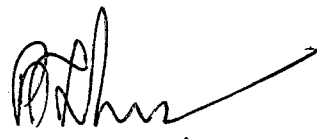
3. Counsel for the respondents states that
night duty allowance is required to be claimed by
the applicant and since no claim has been submitted
by the applicant administration is not in a position
to work out the details.

4. Counsel for the applicant agrees to
submit a claim for night duty allowance which may be
done within a period of one month from the date of

receipt of a copy of this order and the respondents will finalise the payment within a period of three months on receipt of the claim from the applicant and in case the payment is not made as per the claim the respondent will submit an explanation and give the same to the applicant.

5. O.A. is disposed of with the above direction.

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(P.P. SRIVASTAVA)
Member(A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORT,
MUMBAI - 400 001.

C.P.No.12/97 in O.A. No. 1043/95.

DATED THE 11TH DAY OF SEPTEMBER, 1998.

TRIBUNAL'S ORDER:

1. Shri H.T.Ameta for Applicant and Shri V.S.Masurkar for Respondents.

CP-12/97 is a petition for contempt filed by original applicant on the ground that respondents have not passed speaking order in terms of the order dated 26/2/96 in OA.No.1043/95. The respondents have filed reply.

We have heard learned counsels appearing on both sides.


2. It is now brought to our notice that respondents have since passed speaking order dated 24/9/97 rejecting the claim of the applicant. Therefore, the order of Tribunal has been complied with but belatedly. The respondent, Shri R.K.Sareen, Divisional Railway Manager has filed an affidavit giving some circumstances for delay and ^{has} even tendered unconditional apology for delay in implementing the order of the Tribunal. ^{There is} ~~He has~~ nothing ^{delay in} to show that the/disposal/passing of a speaking order was ~~not~~ intentional or ~~had not~~ delayed the matter unnecessarily. Normally, some delay occur in administration due to ~~administrative~~ ^{work} exigencies. In view of the fact that such a senior Officer has tendered unconditional apology and there is nothing to show wilful disobedience on the part of respondents, we feel no action is called for on CP-12/97.

3. As far as grievance of the application regarding rejection of claim is concerned, it is a matter which cannot be decided by way of contempt. It is a matter for which the applicant will have to take appropriate legal steps


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according to law.

4. In the result, for the reasons stated above,
CP-12/97 is disposed of with no orders as to costs.


(D.S. BAWEJA)
MEMBER (A)

abp.


(R.G. VAIDYANATHA)
VICE CHAIRMAN

27.11.97
order/judgment despatched
to Applicant/Respondent (s)
on 22/4/98

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