

IN THE CENTRAL ADMINISTRATIVE ~~TRIBUNAL~~ : HYDERABAD BENCH

AT HYDERABAD

(21)

ORIGINAL APPLICATION NO. 348/92

DATE OF JUDGEMENT: 11 AUGUST, 1992

BETWEEN

Sri T. Janardhana Rao

.. Applicant

AND

1. Divisional Railway Manager
South Central Railway
Vijayawada

2. Divisional Mechanical Engineer
(Carriage and Wagon) SCRly
Vijayawada

.. Respondents

Counsel for the Applicant : Sri K. Sudhakar Reddy

Counsel for the Respondents: ~~1.~~ Kum T. Mahalakshmi for
Sri K. Ramulu, SC for Rlys.

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, Member (Admn)

HON'BLE SHRI T. CHANDRASEKHARA REDDY, Member (Jud.)

T. C. S. P.

..2.

(22)

JUDGEMENT OF THE DIVISION BENCH DELIVERED BY HON'BLE
SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under Section 19 of the Administrative Tribunals Act, to direct the respondents to pay an amount of Rs.3467.96Ps towards overtime allowance for the period from 9.5.76 to 31.7.81 and to pass such other order or orders as may deem fit and proper in the circumstances of the case.

The facts giving rise to this OA in brief, may be stated as follows:

1. The applicant herein is a Railway employee belonging to CTXR Depot, Bitragunta who retired from service on 31.7.1981 as Head Train Examiner. During his service period, the applicant had submitted over-time slips for an amount of Rs.3467-96ps in the month of April, 1982. There was no action on the part of the respondents. The applicant submitted several representations but in vain. The applicant alleges that the respondent had paid overtime allowance to similarly situated employees who worked overtime along with the applicant. It is the case of the applicant that denying overtime allowance to him is arbitrary and violative of fundamental rights under Article 14 of the Constitution of India. Hence, the present OA for the relief as indicated above.

2. This OA had been filed on 4.3.1992. The office has taken objection on the question of limitation and has listed this OA for orders on the question of limitation. On the objection note of the office, notice was issued to the counsel for the applicant and counsel for the respondents. Even though opportunity was given to the

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respondents for filing their counter if any, with regard to question of limitation, no counter has been filed by the respondents. As this matter could be disposed of without the counter of the respondents, we proceed to dispose the same.

3. We have heard on 30.7.92 Mr K.Sudhakar Reddy, Counsel for the applicant and Kumari T. Mahalakshmi, proxy.counsel for Sri K. Ramulu, Standing Counsel for the respondents.

4. Section 21 of the Administrative Tribunals Act deals with limitation. We may refer to Section 21(2)(a) of the Administrative Tribunals Act which reads as follows:

"(2) Not-withstanding anything contained in sub-section(1) where-

(a) the grievance in respect of which an application is made had arisen by reason of any order made at any time during the period of three years immediately preceding the date on which the jurisdiction, powers and authority of the Tribunal becomes exercisable under this Act in respect of the matter to which such order relates; and,

.....

....."

5. So, from the said provision, it is amply evident that this Tribunal does not have any jurisdiction to entertain any OA with regard to the grievance that arose during the period of three years immediately proceeding the date on which the Administrative Tribunals Act came into force. The Administrative Tribunals Act has come into force from the appointed date ~~that~~ i.e 2.11.1985. The grievance of the applicant pertains to the period from 9.5.76 to 31.7.81. So, in view of the fact that the grievance of the applicant for overtime allowance is for the period 1976-1981, we do not have any hesitation in holding that this Tribunal ~~does~~ does not have jurisdiction to entertain this OA and as such, this OA is not maintainable.

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4. The learned counsel appearing for the applicant relied on an order dated 23.10.1989 passed in OA No.258/89 by this Tribunal in the case of Divisional Railway Manager, Vijayawada and another(applicants), and Sri Sankaraiah Devar and another (respondents) and contended that this OA is liable to be allowed. It is also a case regarding overtime allowance. In OA 258/89 the respondent No.1 therein had approached the Labour Court, Guntur and obtained in his favour an award under the Industrial Disputes Act for overtime allowance. As the award was in favour of the first respondent in OA 258/89, the applicants in OA 258/89 had approached this Tribunal. This Tribunal had held that there are no valid grounds to interfere with the order of the Labour Court and dismissed the application. But, this is a case where the applicant has directly approached this Tribunal. ^{directly} Any applicant who approaches this Tribunal is governed by the provisions of the Section 21 of Central Administrative Tribunals Act,1985. As already pointed out, as the grievance of the applicant pertains to the year 1981 and prior to it, and as the question of jurisdiction of this Tribunal to entertain this OA with regard to the grievance prior to 2.11.92 had not been gone, the benefit ~~of the order dated 23.10.89 in OA 258/89~~ of the order dated 23.10.89 in CA 258/89 cannot be extended to the applicant.

5. The learned counsel appearing for the applicant also relied on a decision reported in the 1991(3)SLJ 204 and argued that the respondents in OA 258/89 and the applicant in this OA are similarly placed in all respects and hence, the benefits of the order dated 23.10.89 in OA 258/89 should also be extended to the applicant in this OA. We have gone through the said decision carefully. The said decision also does not deal with the question of jurisdiction.

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and the applicability of the provisions of 21(2) of the Central Administrative Tribunals Act. Hence, the said decision also, in our opinion, is not applicable to the facts of this case. In view of the facts of this OA, this Tribunal lacks inherent jurisdiction to entertain this OA. So, it is not open for this Tribunal to go into the merits. So, in view of this position, a this OA is summarily rejected under the provisions of ~~the~~ 19(3) of the Administrative Tribunals Act, leaving the parties to bear their own costs.

R. Balasubramanian

(R. BALASUBRAMANIAN)
Member (Admn)

T. Chandrasekhar Reddy
(T. CHANDRASEKHARA REDDY)
Member (Jud.)

Dated:

11 August, 1992 Dy. Registrar (J)

813/8

mvl

Copyto:-

1. Divisional Railway Manager, South Central Railway, Vijayawada.
2. Divisional Mechanical Engineer (Carriage and Wagon) SC, Vijayawada.
3. One copy to Sri. K. Sudhakar Reddy, advocate, CAT, Hyd.
4. One copy to Sri. K. Ramulu, SC for Railways, CAT, Hyd.
5. One copy to Hon'ble Mr. T. Chandrasekhar Reddy, Judicial Member, CAT, Hyd.
6. One spare copy.

Rsm/-

sent to
Sudhakar
Reddy

Case
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (JUDL)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

Dated: 11/8/1992.

ORDER / JUDGMENT

R.A./C.A./M.A. No.

in

O.A. No.

348792

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered Rejected.

No order as to costs.

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