

(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A. No. 659/93

Dt. of order: 28.4.1995

Vinod Kumar Jha : Applicant

Vs.

Union of India & Ors. : Respondents

Mr. S. Kumar : Counsel for applicant

Mr. M. Bhandari : Counsel for respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Mr. O. P. Sharma, Member (Adm.)

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN.

Applicant Vinod Kumar Jha has filed this application under Sec. 19 of the Administrative Tribunals Act, 1985 assailing the order dated 13.4.93 (Annex. A1) made by respondent No. 2 by which his claim for payment of officiating allowance was not allowed. He has further prayed for a direction to the respondents to pay officiating allowance for the period from 24.11.85 to 8.11.91 in terms of the provisions contained in Rule 1337 of the Indian Railway Establishment Code Vol. II.

2. The applicant's case is that he was initially appointed as Casual labour in 1977 and thereafter promoted to the post of Gatekeeper in the scale Rs.100-250 (Old) Rs.775-1025 (R.P.). He was further promoted to the post of Ticket Collector w.e.f. 2.3.90 in the scale Rs.950-1500 (R.P.). The applicant while holding the post of Gatekeeper (Group-D) was put to officiate in the higher grade post of Railway Enquiry cum Reservation Clerk scale Rs.330-560 (Old) (Rs.1200-2040 (R.P.). He was paid officiating allowance for the period from 19.5.85 to 12.7.85. He claims to have officiated in this post continuously from 24.11.85 to 8.11.91 without any break. The officiating allowance was not paid to the applicant from 24.11.85 to 8.11.91 in spite of the applicant's representation from time to time to the concerned authority. As and when he sought enforcement of the officiating allowance, he was informed by the Station Superintendent that the matter is under consideration. However, it was disallowed vide Annex. A1 dated 13.4.93. The contention of

the applicant is that the rejection of his claim vide Annex.A1 dated 13.4.93 is illegal.

3. The respondents contested the application and stated that the applicant's case suffers from the vice of laxities and delay, since he has sought to enforce his claim for officiating allowance from 24.11.85 to 8.11.91 by this application which was presented on 22.11.93. The representation on the basis of which the applicant is claiming limitation is a reply sent to the Addl. Private Secretary to Minister of State for Textiles, New Delhi, by which he was informed that the applicant was not eligible for payment of officiating allowance which was admissible only in one grade higher. It is contended that the applicant cannot claim limitation from the date of the letter at Annex.A1. It is also stated that the applicant was not given any order to perform the duty of Enquiry cum Reservation Clerk by any competent authority.

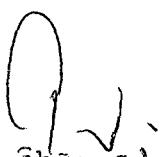
4. We have heard the learned counsel for the parties and have gone through the records of the case.

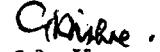
5. It is stated by the applicant that he had represented to the concerned authorities from time to time in regard to his claim for payment of officiating allowance for the period from 24.11.85 to 8.11.91. But it is amusing to note that no such representation in support of this plea has been placed by the applicant on record. It is vehemently urged by the respondents that no such claim in regard to the payment of officiating allowance from 24.11.85 to 8.11.91 was ever laid by him before the concerned authorities. The communication at Annex.A1 dated 13.4.93 is in fact not a reply to any representation alleged to have been made by the applicant in regard to his grievance. If the applicant was denied payment of officiating allowance from 24.11.85 onwards, he should have agitated his grievance at the relevant point of time and even if he was not paid any allowance upto 8.11.91, he should have at least made a representation to the concerned authority within a reasonable time and after making such representation, he should have filed an application

(10)

before this Tribunal within 18 months of his making such a representation. There is nothing on the record to establish that any such representation was ever made by the applicant to the concerned authority and in the circumstances, his claim for payment of officiating allowance is hit by the bar of limitation as prescribed in Sec.21 of the Central Administrative Tribunals Act, 1985.

6. This application is therefore dismissed as being barred by limitation. No order as to costs.


(O.P.Sharma)
Member (A).


(Gopal Krishna)
Vice Chairman.