

(B)

In the Central Administrative Tribunal
Principal Bench

CP-390/2003
OA-369/2003

This the day of 27th January, 2004.

Hon'ble Shri V.K. Majotra, Vice Chairman(A)
Hon'ble Shri Bharat Bhushan, Member (J)

Shri Subash Dhar & Ors.
S/o Shri Ram Naresh
Gangman under ADEN/JIND
Norther Railway
Delhi Division. Applicant

(By Advocate: Shri Khairati Lal)

Versus

1. Shri R.R.Jaruhar,
General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. Shri V.K.Agarwal,
Divisional Railway Manager,
State Entry Road,
New Delhi. Respondents

(By Advocate :Shri R.L.Dhawan)

ORDER(Oral)

Hon'ble Shri V.K.Majotra, VC(A)

Learned counsel heard.

OA-369/2003 was decided on 19.2.2003 relating to the claims of the applicants who are holders of temporary status regarding arrears of payment due to them for the period from 1.11.1983 to 31.12.1990. The following directions were made in the case:-

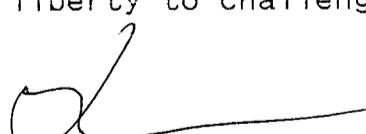
"However, despite verification the arrears have not been released. Ends of justice would be met, the present OA is disposed of at this stage by directing the respondent No.2 is treat the present OA as representation of the applicants and their grievances be enquired into by respondent No.2 and necessary action may be taken to disburse the arrears of wages to the applicant, if it is permissible and not already

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paid, in accordance with rule and directions within a period of two months from the date of receipt of this order."

Learned counsel of the applicant stated that respondents have caused inordinate delay in compliance of the directions of this court. He stated that respondents have filed false affidavit inasmuch as while on the one hand an officer of the respondents states that permission may be accorded to prepare the bill for the arrears, however, in the compliance affidavit respondents have stated that paid vouchers upto 12/96 have been destroyed as time barred as per extant rules.

We have considered the documents produced by the respondents as also the affidavit filed on behalf of the respondents. It is observed that respondents have passed a detailed order dated 7.7.2003 (Annexure R-1) in which it is stated that the arrears for 1982-1990 could not be paid as the applicant had raised claims for the first time on 4.5.2001 i.e. after 11 years. The instructions contained in S1.No.1666- Circular No.831E/63/2-VI(Eiv) dated 16.7.1962 have also been brought to our notice which state that the retention of the Muster Rolls is 5 years. The respondents have also tendered unconditional apology for the delay stating that it has neither been intentional nor deliberate. We find that respondents have passed an order (Annexure R-1) in compliance of the directions of this court. Case for contempt is not established. The C.P. is dismissed and notices to the respondents are discharged. However, applicant has liberty to challenge Annexure R-1 order as per law.


(Bharat Bhushan)
Member(J)

rb.


(V.K. Majotra) 27.01.04
Vice Chairman(A)