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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of decision: 07.01.2022**

+ **W.P.(C) 330/2022**

UMED SINGH (THROUGH WIFE) AND ORS.Petitioners

Through : Mr A.K. Trivedi, Adv.

versus

UNION OF INDIA AND ORS.Respondents

Through : Mr J.K. Singh, Adv.

CORAM:

HON'BLE MR JUSTICE RAJIV SHAKDHER

HON'BLE MR JUSTICE TALWANT SINGH

[Court hearing convened *via* video-conferencing on account of COVID-19]

RAJIV SHAKDHER, J. (ORAL):-

1. This is a writ petition directed against the order dated 14.10.2019, passed by the Central Administrative Tribunal [in short 'the Tribunal'] in O.A. No.92/2018.
2. Mr A.K. Trivedi, who appears on behalf of the petitioners, on being queried, could not furnish even one good reason as to why the petitioners had not approached the Court up-until now.
3. Briefly, the grievance articulated by the petitioners, both before the Tribunal and this Court, is that they were entitled to overtime allowance beyond 8 hours of work per day.
 - 3.1. The Tribunal, in the impugned order, has noted that the petitioners have worked at 'C' category Gates.
 - 3.2. Furthermore, the Tribunal has also noted that out of the 15 applicants who were present before it, only 7 applicants had been provided residential facility within 0.5 km of the subject Gate.
 - 3.3. The Tribunal, thus, in line with its earlier order dated 13.09.2019,



passed in O.A.No.1433/2018 wherein similar issues had obtained, disposed of the subject O.A. in terms of the following operative directions:

“....7.This Tribunal is of the considered view that present case is squarely covered by the aforesaid decision of this Bench and accordingly since the respondents have admitted in para 4.5 of their counter affidavit that except the aforesaid seven applicants (applicant nos.2, 3 5, 9 10, 11 and 13), none of other applicants were provided the residential quarter within 0.5 Km. Therefore, the applicants, except applicant nos.2, 3, 5, 9 10, 11 and 13, are permitted to submit their representation individually giving the details of their residence and place of their duty within 30 days from the date of receipt of a certified copy of this Order. Thereafter respondents will consider the same and pass a reasoned and speaking order keeping in view the rule position and instructions on the subject, within a period of 60 days from the date of receipt of such representations from the remaining eight applicants and make payments for OTA, if found due, within 45 days thereon....”

4. Mr Trivedi concedes that the petitioners have not made a representation, in terms of the directions issued by the Tribunal in its order dated 14.10.2019.

4.1 Furthermore, Mr Trivedi says that the petitioners, in fact, manned gates of Category ‘A’ and ‘B’ and not Category ‘C’, as is noted in the impugned order.

5. At this juncture, we are not inclined to entertain the writ petition for more than one reason :

5.1 Firstly, there is no explanation for the delay in approaching the Court.

5.2 Secondly, although an opportunity was given to the petitioners to make a representation within the stipulated timeframe, as provided in paragraph 7 of the impugned order, no such representation has been made.



5.3 Lastly, the petitioners have raised a point as to the category of gates manned by them; an aspect that was not brought to the notice of the Tribunal.

6. The writ petition is, accordingly, closed. However, the petitioners, if they so choose, will be free to make a representation to the respondents, who shall examine the matter as per law.

RAJIV SHAKDHER, J

TALWANT SINGH, J

JANUARY 7, 2022

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