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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1852/2002

New Delhi this the 5th day of February, 2003.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Manohar Lal Sharma,
Son of Sh. K.L. Sharma,
C/o J.P. Yadav,
N-140-B, Locoshed Kishanganj,
Sarai Rohella, Delhi.

-Applicant

(By Advocate Shri M.L. Sharma
with Sh. S. C. Saxena)
-Versus-

1. The Union of India, through
the Chairman, Railway Board,
Ministry of Railway,
Rail Bhawan,
New Delhi.

2. The General Manager,
Northern Railway,
Baroda House,
New Delhi.

3. Sr. Divisional Personnel Officer,
DRM's Office, Northern Railway,
Bikaner (Raj.)

-Respondents

(By Advocate Shri B.S. Jain)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Respondents' order dated 14.12.2001 is impugned whereby claim of applicant for payment of Over Time Allowance (OTA) has been turned down. He has sought quashment of this order with direction to allow OTA for the period 20.10.1997 to 4.2.1998 with interest.

2. Applicant who is a substantive holder of the post of Guard 'B'/Goods Guard had volunteered for performing the guiding duties in Golden Jubilee Exhibition Train. He was utilised to work from 29.10.97 to 4.2.98. This period has been certified by Exhibition Officer through letter dated 23.2.98, addressed to Station Superintendent for arranging payment of arrears etc. to

applicant. In pursuance, applicant submitted his travelling allowance and OTA bills. Director, Information and Publication, Railway Board forwarded the letter dated 16.9.98 for favourably consider the claim of applicant for payment of OTA as per rules.

3. Applicant retired on superannuation on 28.2.2001.

3. By an impugned order dated 14.12.2001 his claim for OTA has been rejected as not admissible under the rules on the ground that applicant had performed duties as Assistant Coordinator, which is a supervisory post. As such he is not entitled for the OTA. Applicant contended that whereas he has performed the Guard Duty in addition to other work for which he has been certified and his case has been recommended to the Railway Board and for such an extra duty he is entitled for OTA. It is contended by Sh. M.L. Sharma, learned counsel for applicant that applicant had never worked or held the post of supervision or management but was utilised to guide the visitors, as such denial of OTA whereas the same has been paid to similarly situated shows hostile discrimination by respondents, which is violative of Articles 14 and 16 of the Constitution of India.

4. On the other hand, respondents' counsel Sh. B.S. Jain strongly rebutted the contentions and at the outset stated that OTA is provided under para 1504 (1) of IREM where the Railway Administration is under obligation to pay OTA to staff who are employed and performed work in excess of the number of hours prescribed but would not include those holding position of supervision or

management. In this backdrop it is stated that claim of applicant was submitted but as applicant had worked as an Assistant Coordinator which is a supervisory post to Coordinator his claim has not been admitted as per the rules. It is stated that though the case was recommended to Railway Board but it has been made clear that the same may be considered in accordance with the rules.

5. Moreover, it is contended that applicant during this period while performing supervisory duties has been paid running allowance of Rs.15,866/- in the salary for the month of November, 1999 for the period 8.10.97 to 7.3.98. It is also stated that in lieu of his work applicant was given rest on 5th/6th March, 1998.

6. Shri Jain further stated that no other person has been paid OTA for working on the Golden Jubilee Exhibition Train in the office and the contention of applicant as to violation of Articles 14 and 16 it is stated that respondents have not meted out any discriminatory treatment to applicant.

7. I have carefully considered the rival contentions of parties and perused the material on record. OTA can be granted in accordance with rules and as per the rules ibid those who are working on supervisory post or doing management work are an exception to payment of OTA in excess of number of hours rendered. Although claim of applicant was referred to Railway Board but the same has been observed to be considered as admissible under the rules. Applicant who performed duties as Assistant Exhibition Coordinator which has been certified by the Ministry of Railways through their letter dated 4.2.98 has

performed supervisory work for which his claim for OTA is not covered under the rules and as such his claim was rightly rejected through the impugned order. I do not find any legal infirmity in the same.

8. Moreover, for doing the extra work on rendering extra hours of work applicant has already been granted two days rest and also paid running allowance despite not performing the duties of Guard, which is a suitable compensation for extra work he has performed.

9. In the result, for the foregoing reasons OA is found bereft of merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)
Member (J)

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