

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00919/2017

Wednesday, this the 4th day of December, 2019

C O R A M :

HON'BLE Mr.E.K.BHARAT BHUSHAN, ADMINISTRATIVE MEMBER

1. Johnson Joseph,
S/o.M.J.Joseph,
Aged 53 years,
Gate Keeper, LC Gate No.37,
Alappuzha Section, Southern Railway.
Residing at Mandapattil House,
Kottayam – 686 011.
2. Anand,
S/o.Viswanatha Menon,
Aged 33 years,
Gate Keeper, LC Gate No.14,
Alappuzha Section, Southern Railway.
Residing at Thachethu (H),
Eramalloor P.O., Cherthala,
Alapuzha – 688 537.
3. Ray Thomas T,
S/o.T.P.Thomas,
Aged 49 years,
Gate Keeper, LC Gate No.7,
Alappuzha Section, Southern Railway.
Residing at Thaiparambil (H),
Chendamangalam, Kizhakkumpuram,
Paravoor North, Ernakulam – 683 512.
4. Muralidharan P,
S/o.Gopalan,
Aged 18 years,
Gate Keeper, LC Gate No.18,
Alappuzha Section, Southern Railway.
Residing at Kaniyankandi House,
Eranielipalam P.O., Calicut (Dist) – 673 006.

5. Sari.S.,
D/o.Sasidharan Pillai,
Aged 27 years,
Gate Keeper, LC Gate No.27,
Alappuzha Section, Southern Railway.
Residing at Saranivas, Poochakkal P.O.,
Cherthala, Alappuzha – 688 526.
6. Prejeesh.V.P.,
S/o.Parameswaran,
Aged 32 years,
Gate Keeper, LC Gate No.17, 18,
Alappuzha Section, Southern Railway.
Residing at Kochuparambil House,
Pathippally P.O., Idukki – 685 589.
7. Biju.A.P.,
S/o.Purushan,
Aged 41 years,
Gate Keeper, LC Gate No.18,
Alappuzha Section, Southern Railway.
Residing at Andhakaranazhy P.O.,
Cherthala, Alappuzha – 682 506.
8. Jilu Prasad.K.,
S/o.K.P.Prasadan,
Aged 29 years,
Gate Keeper, LC Gate No.16,
Alappuzha Section, Southern Railway.
Residing at Kalarikkal House,
Kumbalam P.O., Kochi – 682 506.
9. Jino.M.,
S/o.B.Muraleedharan,
Aged 25 years,
Gate Keeper, LC Gate No.19,
Alappuzha Section, Southern Railway.
Residing at Sugandhi Nivas,
Akathupadam Road, Thiruvankulam PO – 682 305.
10. Ajitha.A.A.,
W/o.Sunikumar, Aged 33 years,
Gate Keeper, LC Gate No.14,
Alappuzha Section, Southern Railway.
Residing at Kochiparambil House,
S.R.K.Nagar PO, Ottapalam – 679 103.

11. K.V.Nadarajan,
S/o.Kumaran,
Aged 49 years,
Gate Keeper, LC Gate No.45,
Alappuzha Section, Southern Railway.
Residing at Velikkakathuchira,
Thirunalloor P.O., Cherthala – 688 541.
12. Manjusha TV,
W/o.A.Vijayan,
Aged 33 years,
Gate Keeper, LC Gate No.44,
Alappuzha Section, Southern Railway.
Residing at Thazhayil House,
Muhamma PO, Alapuzha – 688 525.
13. Binumon KH,
S/o.Haridasan Nair,
Aged 30 years,
Gate Keeper, LC Gate No.37,
Alappuzha Section, Southern Railway.
Residing at Kalpakasseril, Cheruvaranam,
Varanam PO – 688 555.
14. Krishnanraj J,
S/o.Jayakumar H,
Aged 31 years,
Gate Keeper, LC Gate No.37,
Alappuzha Section, Southern Railway.
Residing at Remanivas,
Charamangalam, Mayithara P.O.
15. P.K.Pradeepan,
S/o.K.N.Karnakaran, Aged 56 years,
Gate Keeper, LC Gate No.34,
Alappuzha Section, Southern Railway.
Residing at Panangattu House,
Thirunalloor P.O., Cherthala – 688 541.
16. Murugan,
S/o.C.Muthukrappa Swami,
Aged 31 years,
Gate Keeper, LC Gate No.35,
Alappuzha Section, Southern Railway.
Residing at 5B Cherthala,
Railway Quarters, Cherthala.

17. Akhil Appukuttan,
S/o.Appukuttan,
Aged 29 years,
Gate Keeper, LC Gate No.35,
Alappuzha Section, Southern Railway.
Residing at Harisree Bhavanam,
Thycattussery P.O., Cherthala,
Alappuzha – 688 528.
18. Soumya.A.N.,
D/o.Nadarajan.S.,
Aged 33 years,
Gate Keeper, LC Gate No.35,
Alappuzha Section, Southern Railway.
Residing at 8 A Cherthala,
Railway Quarters, Cherthala.
19. Abyraj.P.T.,
S/o.Thankachan TS,
Aged 29 years,
Gate Keeper, LC Gate No.51,
Alappuzha Section, Southern Railway.
Residing at Abinivas, North Aryad P.O.,
Alappuzha – 688 538.
20. Sreekumaran.V,
S/o.Vasudevan Nair, Aged 51 years,
Gate Keeper, LC Gate No.49,
Alappuzha Section, Southern Railway.
Residing at Sivasadan, SRA – 134,
Fort P.O., Trivandrum.
21. Priya.L.,
D/o.Purushan T.K., Aged 34 years,
Gate Keeper, LC Gate No.49,
Alappuzha Section, Southern Railway.
Residing at Karrotuchira, Pollethai PO,
Alappuzha – 688 567.
22. Aloycious AR,
S/o.Robert AJ, Aged 35 years,
Gate Keeper, LC Gate No.49,
Alappuzha Section, Southern Railway.
Residing at Arattukulam House,
Mararikulam North PO,
Alapuzha – 688 523.

23. Nisha AC,
D/o.VS Chellappan,
Aged 32 years,
Gate Keeper, LC Gate No.50,
Alappuzha Section, Southern Railway.
Residing at Ambalhaparambil,
Kalavoor PO, Cherthala – 688 522.
24. Lakshmi.S.Devi,
W/o.Sudheer KP,
Aged 34 years,
Gate Keeper, LC Gate No.48,
Alappuzha Section, Southern Railway.
Residing at Kuttanchaluvelli,
SN Puram PO, Cherthala.
25. Manjula VH,
W/o.Haridas V,
Aged 37 years,
Gate Keeper, LC Gate No.48,
Alappuzha Section, Southern Railway.
Residing at Pananchickal,
Pollethai P.O., Alapuzha – 688 522.
26. Hergovind Jatav,
S/o.Girraj Jayav,
Aged 40 years,
Gate Keeper, LC Gate No.51,
Alappuzha Section, Southern Railway.
Residing at 5B Cherthala,
Railway Quarters, Mararikulam.
27. Ajith Kumar K,
S/o.Girraj Jayan, Aged 40 years,
Gate Keeper, LC Gate No.,
Alappuzha Section, Southern Railway.
Residing at Kizhakkeveliyil,
SN Puram PO, Cherthala.
28. N.A.Bennan,
S/o.Antony PA, Aged 56 years,
Gate Keeper, LC Gate No.54,
Alappuzha Section, Southern Railway.
Residing at Padipurakal House,
Pathirapally PO, Omanappuzha,
Alappuzha – 688 521.

29. T.Marappan,
S/o.Thiruman R,
Aged 35 years,
Gate Keeper, LC Gate No.56,
Alappuzha Section, Southern Railway.
Residing at No.44, Railway Quarters.
30. Banny Thomas,
S/o.KF Thomas,
Aged 55 years,
Gate Keeper, LC Gate No.54,
Alappuzha Section, Southern Railway.
31. Lija V,
W/o.Sumesh NK,
Aged 31 years,
Gate Keeper, LC Gate No.54, 55,
Alappuzha Section, Southern Railway.
Residing at Kannantharaveli,
Ponnad PO, Alapuzha.
32. Thushara K,
W/o.Rajesh P,
Aged 32 years,
Gate Keeper, LC Gate No.52,
Alappuzha Section, Southern Railway.
Residing at Thonganthara,
North Aryad PO, Alapuzha – 688 538.
33. Resna S,
W/o.Byju TS,
Aged 39 years,
Gate Keeper, LC Gate No.39,
Alappuzha Section, Southern Railway.
Residing at Thayyil, North Aryad PO,
Alapuzha – 688 538.
34. Mahesh Manoharan,
S/o.Manoharan TR,
Aged 29 years,
Gate Keeper, LC Gate No.55,
Alappuzha Section, Southern Railway.
Residing at Thattasseriyl House,
North Aryad PO, Alapuzha.

35. Micheal MC,
S/o.Mathai Chacko,
Aged 56 years,
Gate Keeper, LC Gate No.57,
Alappuzha Section, Southern Railway.
Residing at Kattiparambil House,
Ashram Ward, Avalookunno PO,
Alapuzha – 688 006.
36. Sujith M,
S/o.Maheasan Asary,
Aged 28 years,
Gate Keeper, LC Gate No.28,
Alappuzha Section, Southern Railway.
Residing at MS Mandhiram,
Kudavoor PO, Thiruvananthapuram.
37. Pratheesh BD,
S/o.Devassykutty B,
Aged 29 years,
Gate Keeper, LC Gate No.68,
Alappuzha Section, Southern Railway.
Residing at Brahmakulam House,
Veluthur PO, Kunnathangadi,
Thrissur – 680 671.
38. Nikhil NS,
S/o.Sathyan NV,
Aged 29 years,
Gate Keeper, LC Gate No.29,
Alappuzha Section, Southern Railway.
Residing at Naliyathu House,
Edavilang P.O., Kodungalloor,
Thrissur – 680 671.
39. Ajesh.L.,
S/o.T.K.Kunjappan,
Aged 33 years,
Gate Keeper, LC Gate No.13,
Alappuzha Section, Southern Railway.
Residing at Thaiyeyzhathiparam Bil,
Perumpadanna, Mannuchira,
North Paravoor – 683 513.

40. Amal AP,
S/o.Prakasan KK,
Aged 22 years,
Gate Keeper, LC Gate No.13,
Alappuzha Section, Southern Railway.
Residing at Anoop Bhavan,
Arookutty PO, Alapuzha – 688 535.
 41. Rahul KR,
S/o.KD Rameshan,
Aged 28 years,
Gate Keeper, LC Gate No.11,
Alappuzha Section, Southern Railway.
Residing at Kallikattuthundi House,
Bhuvaneswary Road, Ponnurunni – 682 019.
 42. Shivappa Naik,
S/o.Ramanna Naik,
Aged 53 years,
Gate Keeper, LC Gate No.36,
Alappuzha Section, Southern Railway.
Residing at SA Cherthala,
Railway Quarters, Cherthala – 688 624.
 43. Vijaya Kumar,
S/o.Balakrishna Pilla,
Aged 58 years,
Gate Keeper, LC Gate No.35,
Alappuzha Section, Southern Railway.
Residing at 3B Cherthala,
Railway Quarters, Cherthala – 688 624.
- ...Applicants

(By Advocate M/s.Varkey & Martin)

v e r s u s

1. The General Manager,
Southern Railway, Chennai – 600 003.
2. Senior Divisional Engineer,
Southern Railway, Trivandrum Division,
Trivandrum – 695 014.
3. Senior Divisional Personnel Officer,
Southern Railway, Trivandrum Division,
Trivandrum – 14.

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4. Senior Section Engineer (P.Way),
Southern Railway, Alappuzha,
Railway Station, Alappuzha – 688 001. ...Respondents

(By Advocate Mr.Sunil Jacob Jose)

This application having been heard on 4th December 2019, the Tribunal on the same day delivered the following :

ORDER (O R A L)

Heard Shri.Martin.G.Thottan on behalf of applicants and Shri.Rajesh on behalf of the respondents. There is an understanding in both quarters regarding the applicable date of the Over Time Allowance (OTA) payment. Both sides are agreed that it is with reference to the date of re-classification as indicated in Annexure A-2 and Annexure A-3 Memorandums. Also as per the counsel statement filed on behalf of the respondents it is admitted that eligible persons are entitled to receive the OTA when their services are utilized beyond 8 hours roster.

2. In the light of the above, the O.A is disposed of with a direction to the respondents that the OTA may be continued to be paid as per the above principle on receipt of necessary documentations from the eligible officers. The O.A is disposed of accordingly. No order as to costs.

(Dated this the 4th day of December 2019)

**E.K.BHARAT BHUSHAN
ADMINISTRATIVE MEMBER**

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List of Annexures in O.A.No.180/00919/2017

- 1. Annexure A-1** – Copy of the order in O.A.No.984 of 2015 dated 4.1.2016 passed by this Hon'ble Tribunal.
 - 2. Annexure A-2** – Copy of the Memorandum No.V/P.349/I/P.Way/ALLP dated 15.6.2016 issued by the 3rd respondent.
 - 3. Annexure A-3** – Copy of the Memorandum No.V/P.349/I/P.Way/ALLP dated 23.2.2017 issued by the 3rd respondent.
 - 4. Annexure A-4** – Copy of the Lawyer Notice dated 20.3.2017.
 - 5. Annexure A-5** – Extract of the section 132 of Railways Act, 1989.
 - 6. Annexure A-6** – Extract of the Rules 10 of Railway Servants (Hours of Work and Period of Rest) Rules, 2005.
 - 7. Annexure R-1** – Copy of the order of the Regional Labour Commissioner (Central), Cochin & Appellate Authority under HOER dated 23rd November 2017.
 - 8. Annexure MA-1** – Copy of the letter No.V/P/579/RC/LC dated 5.12.2017 to 2nd respondent.
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