

Central Administrative Tribunal
Principal Bench

O.A. No. 515 of 1998

New Delhi, dated this the 16th November, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri Om Pal,
S/o Shri Kishori Lal,
R/o Mahavir Colony,
Rewari (Haryana).

.... Applicant

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through
the Secretary,
Ministry of Finance,
Dept. of Revenue, New Delhi.

2. The Commissioner of Income Tax,
Haryana Circle, Rohtak (Haryana).

3. The Income Tax Officer,
Income Tax Office,
Narnaul (Haryana).

... Respondents

(By Advocate: Shri V.P. Uppal)

O R D E R

By Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Applicant claims Over Time Allowance from February, 1999 onwards for the period he was deployed on official duty beyond 8 hours per day as per Notification dated 19.1.94 with interest @ 18% p.a. thereon.

2. By respondents' letter dated 3.1.94 (Ann. A/11) O.T.A. is to be paid to workmen/chowkidars who are deployed beyond prescribed working hours. Respondents do not deny in their reply to Paras 4.5 and 4.6 of the O.A. that the duty hours of chowkidars is 8 hours per day, which is also confirmed from their own letter dated 16.2.94 (Ann. A/13). Applicant avers that he has been performing

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duties beyond the prescribed duty hours ever since the date from which O.T.A is claimed. This claim is supported by respondents' own letter dated 29.1.97 (Ann. A/1). Respondents, ^{however} have denied the claim, and have filed with their reply to the O.A., copies of Office Orders fixing a duty roster for chowkidars, but even by respondents' own documents, filed with the O.A., the earliest such roster is dated 23.9.96, in the light of which it is reasonable to conclude that atleast for the period February 1994 to 23.9.96 applicant was called upon to perform duties beyond prescribed hours for which he is entitled to O.T.A.

3. This O.A. therefore succeeds and is allowed to this extent that respondents are directed to pay applicant O.T.A. for the number of hours he was deployed on duty each working day beyond duty hours, for the period 1.2.94 to 23.9.96 at the prescribed rates in accordance with rules and instructions with 12% p.a interest thereon, within three months from the date of receipt of a copy of this order. No costs.

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

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