

Central Administrative Tribunal, Principal Bench

O.A.No.903/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 14th day of March, 1997

Dina Nath
s/o Shri Khem Chand
r/o B-140, Mansrover Garden
New Delhi - 15. ... Applicant

(By Shri Shri Yogesh Sharma, Advocate)

Vs.

1. Union of India through
the General Manager
Northern Railway
Baroda House
New Delhi.
2. The Divisional Railway Manager
Northern Railway, Delhi Div.
Near New Delhi Railway Station
New Delhi.
3. The Station Superintendent
Northern Railway
Dayawati Railway Station
Delhi.

... Respondents

(By Shri Rajeev Sharma, Advocate)

O R D E R (Oral)

The applicant submits that he was appointed as Senior Booking Clerk at Daya Basti Railway Station, Delhi where his working hours had been from 5.30 hrs. to 20.00 hrs. (i.e. 14 and half hours non stop) and thereafter he spent 30 minutes for closing the accounts on each day. He thus has been working for 15 hours daily whereas the time limit which could be assigned to him was only 8 hours. On that basis he claims payment of Over Time Allowances which has been rejected by the impugned order.

2. This is in fact the second round of litigation and an earlier OA No.1949/88 had been filed wherein the petitioner sought higher pay on the basis of extra workload

handled by him during his posting as Booking Clerk, ^{with} but the claim of the applicant in that OA was rejected, but it was observed as follows:

"It would meet the ends of justice if the respondents consider the case of the applicant for payment of overtime on the basis of duty roster as prayed for by him in his two representations prior to filing of this OA and we order accordingly."

3. Following contempt proceeding, the respondents passed ~~the~~ impugned order rejecting the claim on the ground that no indication was available from the attendance register from 11.9.1985 to 30.6.1988 that the applicant had performed the extra hours of duty. It is also stated that the applicant had never submitted any Over Time claim in the office.

4. I have heard the learned counsel on both sides. The learned counsel for the applicant draws my attention to the copies of the letters written by the Station Superintendent on 30.6.1988 and 17.5.1986 which are annexed at Annexure A2 and A4 respectively, wherein he has written to DPO(AD) mentioning that the applicant has to work extra hours from 5.30 hours to 17.25 hours and ^{enquiring} ~~asking~~ as to how his overtime is to be forwarded.

5. The learned counsel for the applicant states that this is sufficient indication that the applicant had ^{performed} ~~referred for~~ extra duty and he is therefore, entitled to the payment of Over Time Allowances.

6. I have considered the matter carefully. The learned counsel for the respondents has shown me some of the attendance registers from which it is clear that though certain other officials had made entries regarding the

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extra hours worked, no such entry has been made by the applicant in the record. In view of this it is clear that even if the applicant as per the letters of the Station Superintendent worked over time, he did not enter any time to that effect in the attendance register. It is not possible for me to go into any fact adjudication. It is sufficient on the basis of the attendance register to conclude that no over time allowance claim was preferred by the applicant at the appropriate time nor any claim to that effect was recorded by him in the attendance register. In view of the above position and in the circumstances of the case, I find no reason to intervene in the matter. OA is accordingly dismissed. No costs.

R.K. Ahooja
(R.K. AHOOJA)
MEMBER(A)

/rao/