

Central Administrative Tribunal
Principal Bench

O.A.No.1521/94

Hon'ble Shri Justice V.Rajagopala Reddy, VC(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 26th day of July, 1999

1. Drivers' Union (I&FC)
Delhi Administration (Regd.)
through its General Secretary
Shri Prayag Dutt Singh
66, Kalyanwas, Delhi - 110 091.
2. Ram Phal s/o Girwar Singh
Posted as Driver with
Executive Engineer FCD-II
Amar Park, Jhakhira
New Delhi
r/o H/No.WZ 249, Village Madipur
New Delhi - 110 063. Applicants

(By Advocate: None)

Versus

1. State of Delhi
through its Chief Secretary
N.C.T. of Delhi Government
5, Alipore Road, Delhi.
2. Irrigation & Flood Control Deptt.
through its Chief Engineer
4th Floor, I.S.B.T.
Kashmere Gate, Delhi.
3. The Secretary (I&FC)
N.C.T. of Delhi Government
5/9, Underhill Road
Delhi. Respondents

(By Advocate: Shri Arun Bhardwaj)

O R D E R (Oral)

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

None appears for the applicant even though the matter was called twice. This being an old OA of 1994, it is being disposed of in terms of Central Administrative Tribunal (Procedure) Rules on the basis

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of the available pleadings on record and after hearing the learned counsel for the respondents.

2. The applicants herein are work charged drivers of the Irrigation and Flood Control Department, Delhi Administration (now NCT of Delhi). Their grievances are two fold. Firstly, they submit that as in the case of regular drivers their Over Time Allowances (OTA) may be given in terms of C.P.W.D. Manual (Volume-III). Their second grievance is that there is an arbitrary ceiling on the number of hours for which they can claim OTA even though they discharge the duties for much longer periods.

3. When the matter came up today, the learned counsel for the respondents drew our attention to Annexure-R3. This letter had been issued by DG(Works), CPWD on 14.2.1992 regarding the payment of Over Time Wages to CPWD workers covered under the Minimum Wages Act, 1948. According to this letter such CPWD workers are entitled to Over Time Wages at double the ordinary rates based on their revised wages w.e.f. 1.1.1986. According to the reply filed by the respondents, the said clarification of the CPWD ~~is~~ being carried out and the arrears due to the work charge drivers on this account were also being worked out for payment. We therefore find that the main grievance of the applicant regarding the payment of OTA at double the normal wages as in the case of the regular drivers has been met by the respondents.

4. As far as the second grievance regarding the

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ceiling imposed on OTA entitlement hours are concerned, the respondents have stated that there is a limit of 100 hours per month. Considering the nature of work of the Flood Control Department, the Chief Engineer, Flood Control is competent to vary the scheduled hours of work and to raise the ceiling for the maximum hours for which OTA can be given. The applicants state that in the nature of the duties of the Department, during flood season and also during emergency they are required to work at all that to odd hours without reference to the ceiling imposed on OTA. In that view of the matter they submit that any ceiling is arbitrary and amounts to exploitation of the work charged staff. We however find that apart from the allegation, no details have been furnished by the applicants as to when and how they have been allotted work after the scheduled working hours for periods beyond the ceiling imposed by the Chief Engineer. We cannot, on the basis of the mere allegation, reach a conclusion that the applicants have been exploited or that they are being put to work over time for longer hours than the prescribed by administrative orders. It is for the administrative authorities to decide as to how the over time duties should be assigned so that a ceiling in the case of drivers does not exceed 100 hours. Such directions have been become necessary in the case of financial stringency or to impose an economy in Government expenditure. We do not therefore find, on the basis of the pleadings before us, any ground for interference.

5. In the result, finding that the main grievance

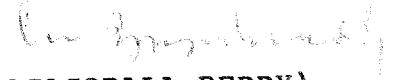
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of the applicant had already been ~~met~~ granted by the respondents, this OA is dismissed as having become infructuous. There shall be no order as to costs.


(R.K. AHOOJA)

Member (A)


(V.RAJAGOPALA REDDY)

Vice-Chairman (J)

/RAO/