

(25)

Central Administrative Tribunal
Principal Bench

O.A. 179/91

New Delhi this the 19th day of February, 1997

Hon'ble Shri S.R. Adige, Member(A).

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

- 1.. Shri Arun Kumar,
S/o Shri R.C. Tripathi.
2. Shri Shrikant Shukla,
S/o Shri Ram Sevak Shukla,
Both working as LDC
in the office of
Sr. D.E.E (TRS),
Central Railway,
Jhansi.

...Applicants.

By Advocate Shri B.S. Mainee.

Versus

Union of India through

1. The General Manager,
Central Railway,
Bombay V.T.
2. The Sr. D.E.E. (TRS),
Central Railway,
Jhansi.
3. Dy. Chief Project Manager,
Railway Electrification,
Mathura Unit,
Kota.

...Respondents.

None for the respondents.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

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This application has been filed by the applicants seeking a direction, inter alia, to the respondents to pay the salary and allowances of office clerks in the scale of Rs.950-1500 for the period according to them, from 23.3.1988. for which they have been working in that capacity, Shri B.S. Mainee, learned counsel for the applicants, has submitted that since the respondents have not denied this fact, they should be paid the higher salary due to them while discharging the functions of office Clerks together with overtime allowances. He also relies on the Railway Board's letter

dated 1.12.1986 for payment of overtime allowance to the Railway employees in Administrative Offices.

2. The respondents have in their reply submitted that the applicants were posted to work in ^{the office} office due to acute shortage of office clerks at that time and they were also willing to work in ^{the office} office and getting the privilege of a clerk as well as Khallasi, for example they were allowed to work as per duty roster of office clerks and also allowed to claim overtime as Khallasi. They have also submitted that the applicants have been declared surplus and were reverted to their temporary status position as Khallasi which they have accepted.

3. However, from the pleadings, it is clear that the respondents have, in fact, taken work from the applicants as office clerks due to their own administrative compulsions but have only paid them the lower salary of a Khalasi with overtime allowances.

4. It is settled position that if, as admitted by the respondents, the applicants have, in fact, discharged the duties of office clerks from 23.3.1988, the respondents cannot legally deny them the salary and allowances for that post. It is also not understood as to how ^{that} the respondents state /while taking work out of them in the office, they were paid overtime allowances as Khallasi for which the clerks are not entitled. The reply of the respondents on this question is vague and unsatisfactory. If the applicants have discharged their duties during office hours and later put in overtime ~~as~~ as office clerks, they will be entitled to overtime allowances due to clerks as per the rules and not as Khallasis.

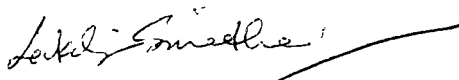
5. We, therefore, dispose of this application with a direction to the respondents:

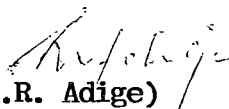
- (a) to pay the applicants their salary in the scale of Rs.950-1500 during the time they actually worked in this scale as office clerks from 23.3.1988; they shall also be entitled to overtime allowances for work they have discharged as office clerks in accordance with the rules.

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27

- (b) The difference in the salary and allowances which are due to the applicants, as directed above, shall be paid to them within a period of two months from the date of receipt of a copy of this order;
- (c) The other claims are rejected. No order as to costs.


(Smt. Lakshmi Swaminathan)
Member(J)


(S.R. Adige)
Member(A)

'SRD'