

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

O.A. No. 2452/91

Date of decision 14-1-93

Sh. Bhupal Singh Applicant

Vs

Union of India & Ors. Respondents

CORAM :

The Hon'ble Member Sh.I.K.Rasgotra, Member(A)

For the Applicant Sh.R.L.Sethi, counsel.

For the Respondents None appeared

JUDGEMENT (ORAL)

(Delivered by Sh.I.K.Rasgotra, Member(A)

Heard the Learned counsel for the petitioner.

The case of the petitioner is that he is placed in

identical circumstances in which the petitioners in

Shri Jagdish Sharma and Ors. v/s. Lt.Governor of Delhi

and Ors. in O.A. No. 2118/88 were placed. The O.A. was

decided on 16th November, 1990. In Jagdish Sharma (supra)

case we had directed the respondents to make payment

of Overtime Allowance as due to the petitioners, who

were chowkidars in accordance with Directorate General,

C.P.W.D.'s order dated 19th September, 1986.

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2- As the respondents were not represented I have carefully perused the counter-affidavit filed by the respondents and the other documents on the judicial record. There is a specific averment in paragraph 4.6 of the O.A. that the petitioner herein is similar situate as the petitioners in O.A. 2118/88. The respondents in their reply to the corresponding para have stated that

" applicant's duty do not fall at par with those as mentioned in the decision and as such his claim is not tenable."

They have failed to clarify as to what are the distinguishing features in the duties and responsibilities of the petitioner from those shouldered by the petitioners in Jagdish Sharma(Supra) case. There ~~is~~ also no other material to justify the statement made by the respondents.

3- In the circumstances I am of the opinion that the case of the petitioner herein stands concluded by Jagdish Sharma(supra) case. (O.A. No.2118/88). Accordingly, the respondents are directed to grant the petitioner Overtime allowance as allowed in the case of Sh.Jagdish Sharma(supra) case. No costs.

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Sh. Singh
(I.K.RASGO TRA)
MEMBER(A)