

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 2331/92  
M.P. 3459/92

DECIDED ON : 3.4.1993

Laxmi Datt Pandey & Ors.

... Applicants

Vs.

Union of India & Anr.

... Respondents

COMRA :

THE HON'BLE MR. J. P. SHARMA, MEMBER (J)  
THE HON'BLE MR. S. R. ADIGE, MEMBER (A)

Shri M. R. Bhardwaj, Counsel for Applicants  
Shri Mammohan Sareen, Standing Counsel on  
behalf of the Respondents

J U D G M E N T (ORAL)

Hon'ble Shri J. P. Sharma, Member (J) —

The applicants have filed this joint application alongwith MP-3459/92 for permission to join together. Permission to join together in a single application is granted. The applicants are five in number who are working as Staff Car Drivers in the Minorities Commission, Lok Nayak Bhawan, New Delhi. The grievance of the applicants has been against the office order dated 30.4.1992 as well as the order dated 29.4.1992 (Annexure A-I colly.) enhancing duty hours of the applicants in contravention of the Staff Car Rules and further that the respondents have arbitrarily restricted the ceiling of over-time hours from 100 hours per month to 25-40 per month with effect from 1.4.1992. The applicants also have a grievance of non-disbursement, in full, the arrears accruing to them on account of revision of rates of over-time allowance w.e.f. 1.12.1990. The applicants claim the relief in para VIII at sl. No. (1), (2) and (3). Vide order dated 12.11.1992 passed by the Tribunal, the relief at sub-para (3) of para VIII was

deleted and only reliefs in paras VIII (1) and (2) now survive for adjudication in the present application. The reliefs claimed by the applicants are as follows :-

"(1) To set aside and quash the impugned office orders dated 30th April and 29th April, 1992 (Annex A I) being ultra vires the provisions of the Staff Car Rules and without jurisdiction, with consequential benefits to the applicants in the matter of payment of over time allowance for the hours of duty put in by them because of the enhanced duty hours for the period from 30.4.92 to date.

(2) To issue suitable directions or orders to the respondent:-

(a) to allow at least half an hour in the morning or in the evening, within the normal duty hours, for cleaning and washing of the Staff Cars, or alternatively half an hour spent each day by the applicants be added to the over time duty hours for purpose of grant of overtime allowance;

(b) to disburse the arrears of over-time allowance accruing to the applicants of revised rates of overtime allowance effective from 1.12.1990;

(c) to stop the practice of putting daily wage workers to drive the staff cars beyond the normal duty hours depriving the applicants from performing their legitimate duty."

2. The respondents in their reply have taken the preliminary objection that the present O.A. is barred by the provisions of section 20 of the Administrative Tribunals Act, 1985. The respondents have also assailed the application on merits. It is finally stated that the application is devoid of merit.

3. We have heard the learned counsel for the applicant Shri M. R. Bhardwaj and the learned standing counsel on behalf of the respondents Shri Manmohan Sareen. The learned standing counsel gave a statement at the bar that as regards the arrears of over-time allowance which accrued to the applicants on account of revision have since been paid to the applicants to the tune

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of Rs.33,496/- and only a sum of Rs.2,206/- remains to be paid which the concerned applicants, namely, Kishan Singh and Hardayal Raikwar are at liberty to collect and that the respondents have no objection in disbursing that amount to these applicants.

4. Learned standing counsel for the respondents also stated that the duty hours has since been changed vide order dated 18.12.1992 and the duty hours now are from 9.00 a.m. to 6.30 p.m. with a lunch-break of half an hour. The learned counsel for the applicants, therefore, has no grievance in regard to both the claims made by the applicants in the O.A. The reliefs claimed in that regard, therefore, stand allowed by the respondents themselves and the application in that regard becomes infructuous.

5. Regarding the relief of setting aside and quashing the order dated 29.4.1992, the learned counsel for the applicants has been specifically asked whether any of these applicants have preferred any departmental representation to the concerned authorities for redress of this grievance, but the learned counsel could not show on record any such representation highlighting the above grievance of revised ceiling on over-time hours in the case of Chairman to 40 hours; for Members/Secretary 30 hours (each); and Office staff car 25 hours. The contention of the respondents' counsel, therefore, that the present application is hit by the provisions of Section 20 of the Administrative Tribunals Act, 1985, has full force and the preliminary objection in that regard has to be sustained. Learned counsel for the applicants also in view of the above factual position is not raising this issue but seeking liberty to assail the same in accordance with law.

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6. The present O.A., therefore, is dismissed as infructuous with liberty to the applicants to assail the grievance of revision of ceiling on over-time hours, if so advised, as per extant rules, after following the procedure of making representation to the departmental authorities. The parties are left to bear their own costs.

*S. R. Adige*  
( S. R. Adige )  
Member (A)

*J. P. Sharma*  
( J. P. Sharma )  
Member (J)  
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