

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 21st day of March, 2001

Original Application No. 924 of 1997

CORAM :- Hon'ble Mr. S. Dayal, Member- A.

1. Keshav Dayal S/o Sri Sharda Prasad  
R/o Laxmi Niwas, Gokula Nand Marg  
Mohalla; Sipah, Distt. Jaunapur
2. S.N. Sehgal S/o Late N.B. Sehgal  
R/o 67, GHI (Railway Quarters) 5th Avenue  
Smith Road, Allahabad.
3. K.C. Srivastava S/o Late S.D. Srivastava  
R/o Station Superintendent, Northern Railway,  
Kanpur.

.....Applicants

Counsel for the applicants:- Sri S.S. Sharma

V E R S U S

1. Union of India through the General Manager,  
Northern Railway, Baroda House, New Delhi.
2. The Divisional Railway Manager, Northern Railway,  
D.R.M Office, Allahabad.

.....Respondents.

Counsel for the respondents:- Sri Avanish Tripathi

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O R D E R (Oral)

(By Hon'ble Mr. S. Dayal, Member- A.)

This application has been filed for setting-aside the impugned decision of the respondent No. 1 dated 30.11.96 and report of committee dt. 26.12.96. Specific direction to the respondents is sought to pay/pass overtime wage bills of the applicants as already submitted by the applicants to the respondents on form G-164. Interest has also been claimed on the amount at the rate of 18% per annum.

2. The claim of the applicants is that they worked on D.M.T-I and D.M.T.-PQRS and they worked as set of two Gaurds on each train. They have also claimed that they have worked in 10 hour shifts. They claimed entitlement to payment of overtime at the rate of 1/2 times the normal rate and beyond this time they claim entitlement for payment of overtime at the rate of two times the ordinary rate. The applicants have also mentioned that their kilometerage allowances bills on prescribed form No OP/T-112 which were duly verified by yhe Chief Comptroller (Engg)/D.M.T-I, Engineering control, Allahabad for charging and payment of kilometerage allowance on the basis of "sign on" and "sign off" duty at the rate of 20 kilometers per hour. The applicants were also paid night allowances for the duty performed between 20 hrs. to 6 hrs. It is claimed that the applicants were paid kilometerage allowances and night allowances on the basis of working hours submitted by them on prescribed form OP/T-112. The applicants claimed that they had not been provided Rest Givers and, therefore, they had to work overtime.

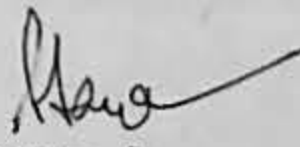
3. I have heard Sri S.S. Sharma, learned counsel for the applicants and Sri A. Tripathi, learned counsel for the respondents.

4. The claim of the applicants for payment of over time allowance has been resisted by the respondents on the ground that they had examined the claim of the applicants in pursuance of the direction given in O.A. No. 1610/92 in order dt. 27.10.94. The directions were to the effect that if the claims are submitted by the applicants in G-164 within one month, the respondents shall get the claim investigated under the extant rules of overtime work and if investigation shows that the entire claim or any part there of is admissible, the same shall be paid. On the receipt of this direction from the Tribunal, the respondents set up a committee consisting of 3 senior officers namely Divisional Operating Manager, Divisional Account Officer and Divisional Personnel Officer to re-investigate the claim of the applicants. The committee went into the claim of the applicants and recommended that since the norm was that D.M.T would work only 0600 hrs to 2200 hrs., each of the two Gaurds could only have performed 0800 hours duty in a day. The Gaurds when called for work at night hours were given certificate/ memo by P.W.I concerned and they are supposed to possess such certificate/memo which are also required to be attached while furnishing G-164 in support of milage and O.T claims. The claim appears to be rejected on the ground that all 3 applicants have claimed to have worked for a period amounting to 30 hours per day. It is also claimed that the applicants have claimed overtime for period of which they had not worked. Such period is when D.M.T was stationary. It is also stated that the applicants have claimed overtime during the night when D.M.T was not functioning. It has also been mentioned in the report of such officers that the applicants were entitled to minimum running allowance of 120 Km. per day besides his pay when D.M.T was stationary.

5. I have considered the rival contentions made by learned counsel for the applicant as well as learned counsel for the respondents.

6. It appears that the committee has given its recommendation without considering that the claim made by the applicants for kilometerage allowances and night duty allowances had already been found acceptable and been paid by the respondents. These have a bearing on applicants claim for overtime. If they had given an opportunity to the applicants to explain this to them, the report of the officers could have been different. In the circumstances I set-aside the order of G.M. (annexure- I) and report of the committee of officers which examined the overtime claim of the applicants. The respondents are directed to hear the applicants, consider the OP/T-112 form according to which applicants have been given kilometerage and night duty allowances and then take the decision. This shall be done within period of three months from the date of receipt a copy of this order.

7. There will be no order as to costs.

  
Member- A.

/Anand/