

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

Original Application No. 1346 of 2005

Thursday, this the 17th day of April 2008

Hon'ble Mr. K.S. Menon, Member (A)

Akhtar Mahmood S/o Mehadi Hassan, Section Engineer, 1st Under Senior Divisional Mechanical Engineer, Carriage and Wagon, Northern Railway, Allahabad.

Applicant

By Advocate Sri K.K. Yadav

Versus

1. Union of India, through G.M. (R.E.) Allahabad.
2. Senior Divisional Mechanical Engineer, Northern Railway, Allahabad.
3. Divisional Mechanical Engineer, Northern Railway, Allahabad.
4. Upper Mandal Rail Prabhandhak, Allahabad Division, Allahabad Northern Railway.
5. Section Engineer, Carriage and Wagon, Northern Railway, Shikohabad.

Respondents

By Advocate Sri A.K. Pandey

O R D E R

By K.S. Menon, Member (A)

This O.A. has been filed against the impugned order dated 25.06.2005 by which the representation of the applicant regarding payment of over time and Night Duty Allowance from 28.01.1995 to June 1996 was rejected by respondent No. 2.

2. The facts of the case are that the applicant at the relevant time was working as Junior Engineer in the Railway. He was transferred from Aligarh to Shikohabad on 22.12.1994 and he joined his duties at Shikohabad on 28-1-1995. He has discharged his duties as per roaster and due to rush of work he has worked in over time/night duty as per roaster. The over time/night duty from 28.01.1995 to 14.06.1996 and the chart showing the working hours

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day to day is at Annexure-5 of the second compilation. When his over time duty was not sanctioned, he made a representation to the Assistant Mechanical Engineer, Northern Railway, Tundla (Annexure-7). Even after that he did not receive the payment and finally his representation was rejected on 17.01.2002. The applicant thereafter challenged the impugned order ad since the respondents were raising issues which were contrary to his contention he filed the O.A. No. 744 of 2002. This Court disposed of the same with a direction to consider and decide the applicant's case by passing a reasoned and speaking order and communicate to the applicant within a period of two months from the date of receipt of a copy of the Order. In pursuance of the said direction of this Court, the respondents have considered and rejected the applicant's claim by impugned order dated 25.06.2005. The applicant is aggrieved with the fact that this rejection ~~has~~ ^{is} no difference from the rejection order passed earlier on 17.01.2002. He is of the view that the respondents have not fully complied with the direction of this Tribunal and have not considered his case in detail.

3. The respondents' counsel on the other hand refutes the averments of the applicant and stated that the applicant's claim for Over Time Allowance and Night Duty Allowance are without any basis due to his absence on duties. It is further submitted that in more than 20 cases the applicant had submitted dual claims for overtime for one period. Moreover, in the roster of 23.10.1995 to 29.11.1995 the applicant had been on leave and from 24.10.1995 to 27.10.1995 with National holidays falling on 23.10.1995. The applicant had availed two weekly rests on 21.10.1995 and 22.10.1995 as well as on 28.10.1995, 29.10.1995 and 18.05.1996, which was not due to the applicant. In this connection the respondents have referred to paragraph No. 14, 15 and 16 of the Counter Affidavit and states that the O.A. is without merit and liable to be dismissed.

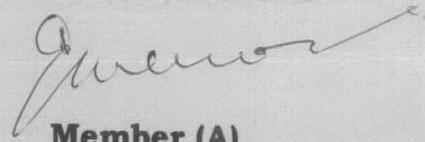
4. The applicant's counsel states that he had filed a detailed representation in April 2005 in which he had brought out his grievances and had sought personal hearing in order to clarify the issues but no such personal hearing has been granted to him. On

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the other hand, the respondents have rejected his claim vide impugned order dated 25.06.2005.

5. The respondents on their part in the impugned order have clearly brought out details of the duties performed by the applicant on various dates and the reasons as to why he is not entitled to Over Time Allowances and Night Duty Allowances while the impugned order appears to be fairly detailed one but since the applicant is still not satisfied and has contrary views on the subject, he has sought a personal appearance, which has not been granted so far. The impugned order is therefore set aside. The respondents are directed to reconsider the case of the applicant by granting him a personal hearing in the interest of justice, transparency and fair play and thereafter finally decide his case with a reasoned and speaking order within a period of three months. The O.A. stands disposed of with the above observations. No costs.



Member (A)

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