

**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**



No. O.A. 350/00042/2020
M.A. 350/00029/2020

Date of order: 20.4.2021

Present : **Hon'ble Dr. Nandita Chatterjee, Administrative Member**

1. Sri Subhashis Deb,
Son of Sri Ramesh Chandra Deb,
Working as Senior Section Engineer
(Carriage & Wagon) under SCW/TKPR/
HWH CHG/Eastern Railway,
and residing at : 52, Dakshin Para,
Kolkata - 700 063.
2. Sri Sumanta Dutta,
Son of Late P.N. Dutta,
Working as Senior Section Engineer
(Carriage & Wagon) under SCW/TKPR/
HWH CHG/Eastern Railway,
and residing at : A2/7, Economy Apartment,
Jhil Park, 48, J.C. Khan Road, Mankundu,
Dist. : Hooghly.
3. Sri Subhasis Roy,
Son of Sri Sailendra Nath Roy,
Working as Senior Section Engineer
(Carriage & Wagon) under SCW/TKPR/
HWH CHG/Eastern Railway,
and residing at : 'DHUP CHAYA', N. Ghosh 2nd
Lane, Fatakgora, Chandan Nagar,
Dist. : Hooghly - 712 136.
4. Sri Gopal Chandra Das,
Son of Late Jagadish Ch. Das,
Working as Junior Engineer
(Carriage & Wagon) under SCW/TKPR/
HWH CHG/Eastern Railway,
and residing at : 'KALIANIBAS', J.R.R. Road,
opposite to : SBI ATM, P.O. : - Nona Chandanpukur,
Dist. : Hooghly.
5. Sri Sitaram Soren,
Son of Late Nimai Soren,
Working as Senior Section Engineer
(Carriage & Wagon) under SCW/TKPR/
HWH CHG/Eastern Railway,

h.s.g.

and residing at : 'UPARKUNDI',
P.O. : - Khuarol, Dist. : Balasore,
State - Odisha.

6. Sri Prabir Kumar Nath,
Son of Sri Prasanta Kr. Nath,
Working as Junior Engineer
(Carriage & Wagon) under SCW/TKPR/
HWH CHG/Eastern Railway,
and residing at : 5/2, Bazar Lane,
P.O. :- Bhatpara,
Dist.:- 24-Parganas(North),
Pin no.:- 743 123 (WB).
7. Sri Anuj Kumar Mandal,
Son of Late D.N. Mandal,
Working as Senior Section Engineer
(Carriage & Wagon) under SCW/TKPR/
HWH CHG/Eastern Railway,
and residing at : 93/3, Dum Dum Road,
Kolkata - 700 074.
8. Sri Sanjay Kumar Thakur,
Son of Late R.N. Thakur,
Working as Senior Section Engineer
(Carriage & Wagon) under SCW/TKPR/
HWH CHG/Eastern Railway,
and residing at : Diaparmeshwar,
P.O. :- Gaman, Distt.:- Buzar,
State - Bihar.

..... Applicants.

Versus

1. Union of India,
Through the General Manager,
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
2. The Principal Chief Personnel Officer,
Eastern Railway,
17, N.S. Road,
Kolkata - 700 001.
3. The Divisional Railway Manager,
Eastern Railway,
Howrah Division,

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Howrah,
Pin - 711 101.

4. The Senior Divisional Personnel Officer,
Eastern Railway,
Howrah Division,
Howrah,
Pin - 711 101.

5. The Senior Divisional Mechanical Engineer,
Eastern Railway,
Howrah Division,
Howrah,
Pin - 711 101.

..... Respondents.

For the Applicants : Mr. N. Roy, Counsel

For the Respondents : Mr. A. Ganguly, Counsel

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicants have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:-

- "(a) To issue direction upon the respondent authorities to give overtime benefits accordingly vide Railway Board's letter dated 28.2.05 forthwith;
- (b) To issue further direction upon the respondent authorities to give the benefit of the judgment in O.A. No. 1519 of 1998, where the applicants are also same similar circumstanced candidates. The same benefit overtime allowance may be given forthwith;
- (c) To issue further direction upon the respondent authorities to give overtime payment according to R.B. letter, dated 28.2.05, where the Railway Servant is required to render extra hours on duty beyond the roaster hours is fixed in accordance with Rule 8, beyond time specified. All different classes of Railway servant is under Section 132 and according to that, all the applicants are entitled for overtime payment forthwith;
- (d) To issue further direction upon the respondent authorities according to Hon'ble High Court's judgment, which is WPCT No. 15 of 2015, where the applicants' prayer for overtime payment may be considered forthwith.
- (e) To issue direction upon the respondents to grant the benefit w.e.f. 19.6.2016 to 27.2.2018 to applicants forthwith.

h.c.

- (f) Any other order or further order or orders as Your Lordships may deem fit and proper under the circumstances of the case.
- (g) To produce connected Departmental Records at time of hearing;
- (i) Leave may be granted to file this joint application under Rule 4(5)(a) of the CAT (Procedure) Rule, 1987."
2. An M.A. bearing No. 350/00029/2020 has been preferred by the applicants for joint prosecution of this Original Application.
3. Heard both Id. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.
4. Id. Counsel for the applicant would submit that in addition to their normal supervisory job of train maintenance at Howrah depot, all the applicants perform escorting duty in Rajdhani Express and Duranta Express in order to save on mechanical detention as well as to address passenger complaints. The applicants had represented for extra overtime payment but their prayers were rejected by the respondents vide an order dated 27.2.2018 at Annexure A-3 to the O.A. collectively. According to the applicants, they are entitled to such overtime allowance in terms of Railway Board's letter dated 10.9.2012 at Annexure A-9 to the O.A., and, accordingly, they have represented further for consideration of their claim.

Id. Counsel for the applicant would also refer to the decision of this Tribunal in **O.A. No. 1519 of 1998 (Shyamal Ranjan Kundu & 17 ors. v. Union of India & ors.)** (Annexure A-10 to the O.A.) and **O.A. No. 284 of 1990 (Kapil Deo Sharma & ors. v. Union of India & ors.)** (Annexure A-5 to the O.A.) in which similarly circumstanced applicants were paid overtime allowance. The applicants' claim that they are further fortified by the judgment in

[Signature]

WPCT No. 15 of 2015 (Union of India & ors. v. Biswajit Shome & ors.)

(Annexure A-7 to the O.A.) of the Hon'ble High Court. Ld. Counsel would therefore submit that their representations at Annexure A-1 to the O.A. be considered by the authorities in a time bound manner.

5. On perusal of records, however, it is seen that while there are eight applicants who have prayed for joint prosecution of this O.A., the representations have been made by sixteen employees including the applicants to this O.A. Further, as because no judicial decisions have been cited in such representations, Ld. Counsel would seek permission to withdraw this O.A. with liberty to the applicants to prefer comprehensive representations citing rules and judicial decisions in support.

5. Accordingly, the applicants are permitted to withdraw this O.A. and to prefer comprehensive representations within a period of 4 weeks from the date of passing of this order. Once so received, the addressee respondent authority, or, any other competent respondent authority shall decide in accordance with law, and, particularly, in the light of judicial decisions, if cited in support, and convey such decision through reasoned and speaking orders to the applicants within a period of 16 weeks thereafter. In the event the applicants' claims are found to be justified, admissible entitlements may be released within a further period of 10 weeks.

6. With these directions, the O.A. as well as the M.A. are disposed of as withdrawn.

(Dr. Nandita Chatterjee)
Administrative Member

SP