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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.553 of 1986

Babbunna & Others Plaintiffs

Versus

Union of India & Another Defendants

Hon.S.Zaheer Hasan, V.C.

Suit No. 1920 of 1983 has been transferred to this Tribunal from the Court of Munsif (I) Gorakhpur under Section 29 of the Administrative Tribunals Act XIII of 1985.

2. Seven plaintiffs Babbunna, Eeba, Banarasi, Sheo Kumar, Ram Bali, Gomti and Kalpu filed the suit for injunction restraining the respondents from withholding the payment of overtime work which is being taken from them and also to restrain them for realizing the amount of overtime already paid to the plaintiffs. As Trolleymen the plaintiffs drive the trolleys and under the rules they have to work only for eight hours but the defendants take overtime work from the plaintiffs and at sometimes they have to work for ten to twelve hours. Due to overtime work the plaintiffs were paid wages by way of compensation. Now the defendants are threatening to stop the payment of overtime wages although they are taking overtime work from them. They are going to stop further payment of overtime and to realize the overtime compensation already paid hence the suit.

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3. The defence is that as per Duty Roster the plaintiffs had got to work from 16 to 18 hours Sunday to Saturday posted at Road side station provided with the Railway accommodation with weekly rest. According to administrative exigencies the work of overtime are taken from the plaintiffs and there was no illegality in taking work from the plaintiffs. They were compensated with overtime allowance as per extant rules as and when it is found admissible according to their Duty Roster.

In the instant case as per Duty Roster the plaintiffs are not doing overtime and as such they are not entitled for any overtime allowance.

So on 8.10.63 orders were issued for recovery to the amount already paid. The plaintiff No.1 was entitled to get Rs.1992-69 only as overtime allowance but he was wrongly paid Rs.1425-09 in excess out of which Rs.900/- has already been recovered. Plaintiff No.2 was entitled to get Rs. 2495-97 only as overtime allowance but he was wrongly paid Rs. 735-45 in excess out of which Rs. 500/- has already been recovered. Plaintiff No.3 was entitled to get Rs. 1092-70 only as overtime allowance but he was wrongly paid Rs. 3463-22 in excess out of which Rs.2370-52 & Rs.500/- have already been recovered. Plaintiff No.4 was entitled to get Rs. 990-47 only as overtime allowance but he was wrongly paid Rs.3114.48 in excess out of which Rs.500/- has already been recovered. Plaintiff No.5 to 7 have also been paid

excess amount of overtime wages erroneously, which has to be recovered from them and as such from the plaintiff Nos 5 to 7, Rs. 500/-, Rs.500/- & Rs.400/ respectively have already been recovered and the remaining excess payments made erroneously have to be recovered from them.

4. Some overtime payment was made to the plaintiffs and subsequently recovery was made without hearing the plaintiffs and in this way the principles of natural justice and fair play were violated. Even before us the defendants could not file relevant papers giving details of overpayment. So the defendant No.2 is directed to supply to all the plaintiffs individually all the details regarding overpayment i.e. the date on which overtime work was taken, the amount paid and the amount recovered, the place of posting and whether the residential accommodation was provided or not and after hearing the plaintiffs pass suitable orders according to rules. In case the plaintiffs are satisfied with the orders to be passed in compliance with our direction the matter would rest otherwise they will be at liberty to move this Tribunal. The application (Suit No.1920 of 1983) is disposed of accordingly. Parties to bear their own costs.


Vice Chairman

Dated the 11 Feb., 1988

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