

Court No.1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

Registration T.A. No.911 of 1986

M.C.Singh Rathore Applicant

Versus

Union of India & Others..... Respondents

Hon.Mr.Justice U.C.Srivastava, V.C.

Hon.Mr. A.B.Gorthi, Member (A)

(By Hon.Mr.Justice U.C.Srivastava, V.C.)

This is a transferred case under Section 29 of the Administrative Tribunals Act, 1985. The applicant filed Civil Suit No.492 of 1985 in the Court of Judge Small Causes, Kanpur in the year 1985 praying that the decree for Rs. 814-30 for overtime allowance + Rs. 55/- as expenses for notice may be decreed in his favour. The applicant's prayer was that his overtime bill has not been correctly prepared and only few amount was being allowed to him. Prior to the filing of the Suit, number of representations were sent by the applicant to the authorities and a request was made by him to consider his case. He also required some documents for his perusal. Alongwith other papers the applicant sent a chart to the authorities giving the date, time and period during which he worked. Before this Tribunal the applicant prayed that the following documents may be summoned :-

- (i) T.I. Form 2.
- (ii) O.T.Register
- (iii) T.H.O.T. Bill
- (iv) O.T. Bill
- (v) Sanction memo
- (vi) Work diary prepared by the then A.E.
Mr. D.P.Kurel.
- (vii) T.I.2 of third cycle.

2. Km. Sadhna Srivastava holding brief for Shri K.C. Sinha for the respondents says that the applicant is not entitled to any claim. His bill has been correctly prepared. The applicant working as A.E.A. was not entitled to any further amount. The register of attendance which has been produced before us indicates that the applicant was on leave during ~~the~~ ^{2 days} period. That was no evidence for the facts asserted by the applicant. The applicant has been agitating the matter from the beginning. If the applicant is relying on the documents summoned by him, it will be obligatory on the Department to consider the same but the Department has not done so. Accordingly, we direct the Departmental Authorities to consider the documents referred to above and decide whether the applicant has in fact worked for more time and is entitled to the allowance as claimed by him. We therefore direct the respondents to complete the process on the above lines within six weeks from the date of communication of the order. The Department shall fix a date for the same and the applicant will also associate with the enquiry during this period. There will be no order as to costs.

Jhansigunj
Member (A)

W
Vice Chairman.

Dated the 15th May, 1991.

RKM