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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD

Dated: Allahabad this. 22nd. day of Feb. 1996

CORAM:- Hon'ble Dr R.K.Saxena, A.M.
Hon'ble Mr S.Dayal, J.M.

ORIGINAL APPLICATION NO. 957 OF 1987

1. Lochan a/a 60 years s/o Late Sri Pheku
r/o D-59/358, Sheopurva, Varanasi
2. Raj Narain Singh a/a 54 years, s/o Late
Sri Dalsingar Singh, r/o Indian Institute
of Handloom Techanology, Chaukaghata,
Varanasi
3. Surat Narain Tripathi a/a 45 years, s/o
Sri Satya Deo Tripathi, r/o 11 H.T.-
Chaukaghata, Varanasi
4. Shiv Sagar Singh a/a 54 years s/o Late
Sri Raja Singh, r/o 11 H.T. Chaukaghata,
Varanasi

(By Advocate Sri V.K. Srivastava) Applicants
Versus

1. Union of India through Secretary Ministry
of Industry, New Delhi

2. Director Indian Institute of Hand Loom
Technology, Chowkaghata, Varanasi

3. Hand Loom Development Commissioner,
Udyog Bhavan, P.B.No. 542, New Delhi

... Opposite Parties

(By Advocate Sri N.B. Singh)

ORDER

(By Hon'ble Dr R.K.Saksena, Member 'J')

This O.A. has been filed by 4 applicants
namely (i) Lochan, (ii) Raj Narain (iii) Surat
Narain Tripathi and (iv) Shiv Sagar Singh seeking

relief that the Respondents be directed to fix the duty hours of the Petitioners at 8 hours and to pay overtime allowance for duty which was performed by them in excess to 8 hours.

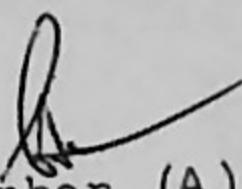
2. The brief facts of the case are that the applicants were engaged as Watchmen under Respondents from different dates as are mentioned in Paragraph No. 7(a) of the O.A. It is contended on their behalf that they were made to work for 12 hours or more but the overtime allowance was not paid. Several representations such as ANNEXURE-4 and ANNEXURE-5 were made but they remained without any decision. Hence, this O.A. was preferred.

3. The Respondents filed Counter Reply in which shelter was taken behind several Circulars in which duty hours of the Watchmen were fixed. In Paragraph No. 6 of the Counter Affidavit, it has been mentioned that Chaukidars were instructed to put forth 12 hours duty. It is also pointed out that the record of duty hours is not available.

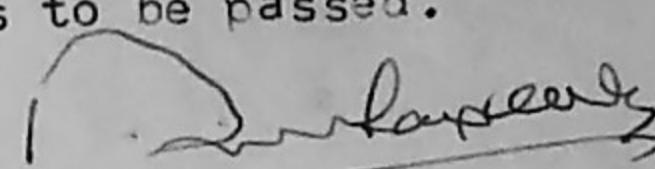
4. We have heard the Learned Counsel for the Applicant, Sri V.K. Srivastava and Sri Amit Sthalkar, Brief Holder to Sri N.B. Singh and have perused the records.

5. In this case, main question is whether the applicants had worked for about 12 hours or more during the years in which the duties were discharged. The applicants could not produce any documentary evidence in support thereof. This fact has not been fully controverted on behalf of the Respondents. As is mentioned the Respondents had admitted about a Circular

whereby the watchmen were required to perform duties for 12 hours. What we feel is that these issues are required to be considered by ^{adducing} evidence available with the parties. The Representations which were made by the applicants are still lying un-disposed of with the Respondents. We, therefore, direct that the said Representations may be disposed of by the Respondents after hearing the applicants and allowing an opportunity of adducing ^{any} evidence, if any, within a period of three months from the date of receipt of the copy of this order. The Respondents are further directed that the Representations shall be disposed of by ^{the} speaking order and the results shall be communicated to the applicants within one week from the date of decision being taken therein. The O.A. is disposed of in the light of the said order. No order is to be passed.



Member (A)

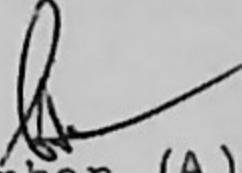


Member (J)

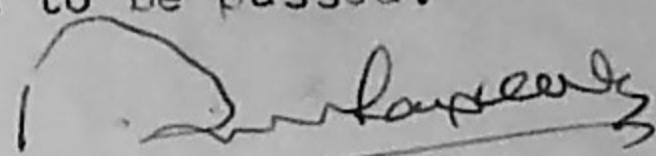
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Member (A)



Member (J)

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