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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH  
Registration T.A.No. 28 of 1989

Chandra Bhan

....

Applicant

Vs.

Union of India & Others....

Respondents

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

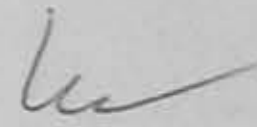
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

It appears that the applicant who was the employee in the office of District Manager, Telephone, Agra had performed full duty on 15.10.78, 13.1.1979 and 15.1.79 which were weekly off, but overtime allowance was not granted to him for which he makes various efforts. The applicant filed a suit in the Court of Judge Small Causes, Agra, by operation of law this suit has been transferred to Agra.

2. The respondents denied their liability to make the payment or refuted the claim of the applicant and have pleaded that the applicant very well knew that these days were marked weekly off days and that there was no prior sanction for performing the overtime duty on these days. On 15.10.78 the applicant himself without any prior sanction marked his duty from 10 to 17 hours and O/T from 17.20 hrs to 20.30 hrs. On 13.1.79 and 15.1.79 also he without any prior sanction signed on the duty chart, but no duty hours were noted. As there was no prior sanction for performing the overtime duty, the applicant is not entitled to get the overtime allowance nor the respondents obliged to make the payment. It has been stated elsewhere that he has performed overtime duty for 2 hrs in the month of November, 1981 and a sum of Rs. 7.70 was drawn for him for payment. Although the applicant signed on the payment voucher but did not take the payment, and that is why the amount was credited in the cash-book. The same has been drawn on

8.11.1981 when he performed 6 hours duty and 4 hours duty on 11.11.81 and a sum of Rs. 57.50 was paid to him. So far as December, 1981 is concerned a sum of Rs. 123.65 on account of overtime duty was paid to the applicant. But the disputed amount has not been paid to the applicant and new payment was made.

3. Obviously when an employee required to work overtime duty it should be backed by some order or some sanction. If the volunteers of the same sanction the duty charge the government is not obliged to make the payment. Overtime allowance payment is made in accordance with the rules or directions and for that a written order is necessary. The applicant may have performed the duty but in absence of the order for performing the duty it can only be the Act of Volunteer or, merely because for doing voluntary service the applicant cannot claim overtime allowance. Consequently the applicant's claim has got to be rejected. The application is dismissed. No order as to costs.



Vice-Chairman.

16th December, 1991, Alld.

(sph)