

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 1st day of December, 2000

CORAM: -

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

Hon'ble Mr. S. Dayal, A.M.

I. Original Application No. 558 of 1992.

1. Narottam Lal S/o T.C. Srivastava (Chaukidar) R.C.S. Jhansi, Allahabad, Office of the Development Commissioner (Handicrafts).
2. Hari Prasad S/o Ram Lal (Chaukidar) Service Centre, Lucknow Office of the Development Commissioner (Handicrafts).
3. Raj Deo Ram S/o B. Ram (Chaukidar) Advance Training Centre Harehwa Office of the Development Commissioner (Handicrafts).
4. S.B. Prasad S/o Sita Ram (Chaukidar) Carpet Weaving Training Centre, Shivpuri, Varanasi.
5. Bhutan Deo Nath S/o C.H. Deo Nath (Chaukidar) Carpet Weaving Finishing Centre, Shivpuri.
6. Tarkeshwar Lal S/o D.S. Lal (Chaukidar) Carpet Weaving Training Centre, Karabiya District Ghazipur.
7. Gulab Chandra Singh Kuswaha S/o Sri D.N. Singh Kusbaha (Chaukidar) Advance Training Centre..... District Varanasi.
8. Lachhi Ram S/o Ram Nihore (Chaukidar) Advance Training Centre Phoolpur, district Varanasi.
9. Sroj K. Ghosh (Chaukidar) Advance Training Centre Sevapuri, Varanasi.
10. Lalji S/o Jai Kumar Carpet Weaving Training Centre, J... (Chaukidar).
11. Shambhu Nath Pandey son of R.J. Pandey (Chaukidar) Carpet Weaving Training Centre, Khozavan, Varanasi.
12. Nankoo Tiwari son of R.C. Tiwari (Chaukidar) Advance Training Centre, Gangapur, Varanasi.
13. Ram Lal son of K. Ram Carpet Weaving Training Centre, Chamraha, Varanasi.
14. Raj Bali Prasad son of Ram Sagar Yadav (Chaukidar) Advance Training Centre, Chamraha, Varanasi.
15. K.L. Tiwari, Advance Training Centre, Jhalwa, District Allahabad.
16. D.P.S. Singh, Chaukidar, Carpet Weaving Training Centre, Mubarakpur, Allahabad.

17. G.B. Singh (Chaukidar) Advance Training Centre, Ishipur, Allahabad.
18. Gulab Dhar Pathak (Chaukidar)
19. Anwar Ali son of A. Sagur (Chaukidar) Carpet Weaving Training Centre, Rameswar, District Varanasi.
20. Sheo Bux Singh Son of Sri U.R. Singh, Chaukidar, Carpet Weaving Training Centre, Bankepur, District Sultanpur.
21. Markandey Yadav S/o Sri K. Yadav (Chaukidar) Advance Training Centre, Bankepur district Sultanpur.
22. Gokul Prasad S/o Sri Prahlad (Chaukidar), Advance Training Ramnagar Post Office Amethi Distt Sultanpur.
23. Shyam Charan Son of T. Ram (Chaukidar) Advance Training Centre Aliganj, district Sultanpur.

(Sri NL Srivastava, Advocate)

• • • • • Applicant

Versus

1. Union of India through its Secretary, Ministry of Textile.
2. Development Commissioner (Handicrafts) Ministry of Textile, West Block No.7, R.K. Puram, New Delhi.
3. Deputy Director, Field Administrative Cell, Varanasi, Office of the Development Commissioner, S-18/38, Block No.4-1 (Kashiraj Apartment, Nadesar Post Box No. 2017, Varanasi).

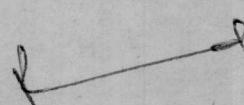
(Sri Amit Sthalekar, Advocate)

• • • • • Respondents

A N D

II. Original Application No. 1794 of 1992.

1. Hari Ram S/o Sri Nanga, Chaukidar, Advance Training Centre, Kasari District Allahabad.
2. Shyam Lal S/o Bhagwan Deen, Chaukidar, Carpet Weaving Training Centre, Kasari, district Allahabad.
3. Paras Nath Ram Son of Sarvajeet Prasad, Chaukidar Regional Carpet Store, Lakhrajpur, Jhansi, District Allahabad.
4. Ram Sajwan, Chaukidar, Adult Women Centre, Issipur, district Allahabad.



5. Babu Lal S/o Budai, Chaukidar,
Service Centre, 183, Allenganj, district
Allahabad.

(Sri NL Srivastava, Advocate)

..... Applicants

Versus

1. Union of India through its Secretary, Ministry of Textile, New Delhi.
2. Development Commissioner(Handicrafts), Ministry of Textile, West Block No.7, R.K. Puram, New Delhi.
3. Deputy Director, Field Administrative Cell, Varanasi Office of the Development Commissioner, (Handicrafts).
4. Director, Centre Region Office of the Development Commissioner(Handicrafts), 46/3, Gokhale Bihar, Marg, Lucknow.

(Sri Amit Sthalekar, Advocate)

... Respondents

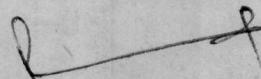
O R D E R (O_r_a_l)

By Hon(ble) Mr. Justice R.R.K. Trivedi, V.C.

In both the aforesaid applications the questions[^] of fact and law are similar and they can be decided by a common order against which counsel for the parties have no objection.

2. 23 applicants in the first OA and 5 applicants in the second OA are serving as Chaukidars at various Carpet Weaving Centres, Under the Department of Ministry of Textiles. Their grievance is that they were forced to discharge duties for 17 hours but they were not paid overtime allowance or additional wages for the same. For this grievance the applicants had approached this Tribunal by filing OA No.241/1990 which was disposed of vide the order dated 23-8-1990 with the following directions:-

"Therefore, we hereby direct the respondent nos.2,



and 3 to take into account the representation dated 23-3-87, if received in their office or otherwise after obtaining a copy thereof from the applicants within three months of the service of the order hereby passed by us. The applicants will be at liberty to come forward and approach the Tribunal in accordance with the rules, if so advised after the decision of the competent authority. The present application is disposed of finally with this order without any order as to costs."

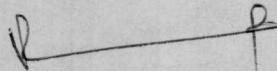
3. The representation of the applicants for payment of additional wages/overtime allowance ~~had~~ been rejected by the order dated 20-1-1992 passed by respondent no. 2, aggrieved by which the applicants have approached this Tribunal against. In the counter affidavit filed in the OA No. 1794/1992 in Para 8, it has been pointed out that prior to 1-1-1991, since the petitioners were holding the post of Chaukidar, their duty was to watch and ward ~~the~~ Government property lying in the place of posting of Carpet Weaving Training Centre etc. and as the case may be. The duty starts after closing Office hours and opening of the Office of next day and they were entitled to avail all closed holidays, Sundays etc. and to avail all kinds of leave as admissible under the Rules. With effect from 1-1-1991 the duties of Chowkidar at the Centres was fixed from 9 P.M. to 6 A.M. vide office order No.5(23)/90-FAC dated 1-1-1991. Thus, from the averments made in Para 8 of the counter affidavit, it is clear that the respondents were taking work from the applicants after closing of the office which normally is at 4.30 P.M. and the duty continued upto 9.30 A.M. next day. Thus, the total duty hours were ~~for~~ about



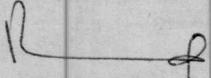
17 hours. By the order dated 1-1-1991 the duty of Chaukidars at the Centre has been fixed from 9 A.M. to 6 A.M. which comes to 9 hours. Thus, prior to 1-1-91 the applicants were discharging duties for just double of the present duty hours fixed by the order of 1991.

In view of this, the applicants were entitled for overtime allowance which has been denied. Sri Amit Sthalekar, counsel for the applicant has submitted that the application is highly time barred and the claim is inadmissible and has rightly been rejected. However, we are not satisfied with the submission made on behalf of the respondents. The applicants filed the OA in this Tribunal in 1990. Their representation was pending since 1987. As it was filed on 23-3-1987, the Tribunal by order dated 23-8-1990 directed to decide the said representations which had been rejected by the order dated 20-1-1992 impugned in the present application. Thus, the claim of the applicants in respect of payment of overtime allowance cannot be termed time barred as they were raising their claim right from 23-3-1987. In our opinion their claim is well within time. The order dated 23-8-1990 passed in the earlier OA directing to decide the representation dated 23-3-1987 has become final between the parties. The impugned order has been passed in pursuance of the aforesaid direction. The question of limitation was not raised before this Tribunal in OA No. 241/1990. In the circumstances, in our opinion, the applicants are entitled for overtime allowance.

4. For the reasons stated above, this application



is allowed. The impugned order dated 20-1-1992 is quashed. The respondent no.2 is directed to pay overtime allowance as per Rules from 23-3-1987 to 30-~~12~~¹²-1990. The order will be complied with within six months from the date of supply of the copy of this order. There shall be no order as to costs.

 
Member (A) Vice Chairman

Dube/