

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NUMBER 447 OF 2002

FRIDAY, THIS THE 24TH DAY OF JANUARY, 2003

HON. MRS. MEERA CHHIBBER, MEMBER (J)

Maiya Deen,
s/o Pancha
r/o House No.438
village & P.O. Maudaha
Mohalla Purvitaraus
station road Gafurabad,
District:- Hamirpur.Applicant

(By Advocate:- Shri M.K.Sharma)

V E R S U S

1. Union of India through General Manager Central Railway, Mumbai CST
2. Divisional Railway Manager, Central Railway Jhansi.
3. Divisional Personal Officer, Central Railway, Jhansi. Respondents.

(By Advocate:- Shri S.K.Anwar)

O R D E R

HON. MRS. MEERA CHHIBBER, MEMBER (J)

By this O.A, applicant has prayed for a direction to the respondents to pay the overtime allowance w.e.f. 1.7.1998 to 6.5.2000 alongwith interest at the rate of 24% per annum.

2. It is submitted by the applicant that he was retired as Gate Man at Ragaul Station, Gate number 20 on 31.5.2000 and was made to do overtime duties since 1998 till his superannuation but in spite of representation he has neither been paid the overtime allowance nor any order has been passed by the authorities on his representation or the case filed by him before Pension Adalat, which was made



by him on 29-9-2000. Applicant has annexed his representation at page 9 and has also shown a chart for the period he has worked on overtime alongwith his petition. He has submitted that since the respondents have not given any reply to him he has been forced to file this present O.A.

3. The respondents have opposed the O.A by stating that he is not entitled to receive any overtime allowance in as much as no extra amount ^{of work} was done by him as he never worked beyond the roaster hours. The documents annexed by the applicant are stated to be not authentic as they are not certified by the station of incharge whereas they have annexed the attendance register which according to them is authentic document and ^{which} shows that no extra amount of work was done by the applicant beyond his roster hours. They have annexed the attendance register (Annexure R-1). They have explained that as per roaster he had worked for 60 hours per week without being entitled for over time payment but he had been asked to work beyond ^{up} 60 hours to 72 hours. They have also relied on letter dated 29-5-2002 of the Station Superintendent, Ragaul Station who has said that in his opinion the claim of applicant is not justified (Annexure R-2). They have further stated that the applicant's case was already decided by the Pension Adalat. Therefore, ^{is gehe} repeated representations by him automatically invalidated and no interference is called for by the court in the present case. They have thus prayed that the O.A be dismissed with costs.



4. Applicant in his rejoinder has stated that he has not been communicated any order passed by the pension Adalat nor the respondents have annexed any such orders with the counter affidavit. Therefore, till date he has not been shown any final orders on the claim made by him. As far as the letter dated 29-5-2002 is concerned filed as Annexure-2, he has submitted this is only an opinion given by one of the Officers and cannot be said to be final order. Therefore, he has prayed that respondents be directed to pass a final order on the claim made by the applicant.

5. I have heard both the counsel and perused the ~~pleadings~~ pleadings as well.

6. It is seen that even though respondents have stated that applicant's case was decided by the pension Adalat but they have not annexed any such order with the counter affidavit and in view of the categorical averment made by the applicant's counsel that no such order has been communicated to the applicant, I think the ends of justice would be met if a direction is given to the respondents to communicate the orders passed by the pension Adalat to the applicant within a period of four weeks from the date of receipt of a copy of this order and in case the order has already been communicated, they must inform the applicant how he was communicated and what was the ultimate result of the pension Adalat. I would agree with the respondents that Annexure-2 is only an opinion given by one of the Officers and it would have only persuasive value for Competent Authority to decide the matter finally. However, since no final order has been annexed by the respondents with their counter affidavit it would be



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necessary to direct the respondents to pass final orders as directed above.

7. Accordingly the O.A is disposed of with the above directions to the respondents with no order as to costs.



Member (J)

Madhu/