

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH

O.A. No. 375 of 1991  
T.A.O.No.

DATE OF DECISION 16.1.1992

Shri V.G. Wakhale Petitioner

Shri P.K. Handa Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent

Shri N.S. Shevde Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt : Member (J)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *X*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *X*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *X*

Shri V.G. Wakhale  
(Advocate : Shri P.K.Handa)

: Applicant

Vs.

Union of India & Ors.  
(Advocate: Shri N.S. Shevde)

: Respondents

O.A. No.375 of 1991

O R A L - O R D E R

Date : 16.1.1992

Per : Hon'ble Shri R.C. Bhatt

: Member (J)

Shri P.K. Handa, learned advocate appears for the applicant and Shri N.S. Shevde, learned advocate appears for the respondents. Having heard Shri P.K. Handa learned advocate for the applicant, this is a fit case for admitting the matter. Moreover this application can be disposed of on merits also without waiting for the reply from the respondents.

2. The grievance of the applicant is that though he has worked for over time from 1.2.1987 to 1.8.1987 as Station Master in KRIBHCO and ~~that~~ he is entitled to earn this over time during that period on account of introduction of 12 hours working. The respondents by impugned order dated 4.6.1990, produced at annexure A, gave reply that ~~the~~ retired TI-BH who was to verify the O.T. Vouchers has since been

long back. The learned advocate for the applicant rightly submitted that when he demanded overtime payment and made complaint to the competent officer on 24.1.1990, the applicant's complaint/representation ought to have been considered according to HER Rules but instead, the respondents replied that TI-BH who was to verify the O.T. Vouchers has since been retired long back. He rightly submitted that if one officer has retired then examination of the representation of the applicant should be given to another officer in charge of the file but the complaint of the applicant cannot remain undecided merely because the officer who was to verify the O.T. Vouchers has retired. There is much substance in the submission of the learned advocate for the applicant.

3. The competent officer of the respondent should decide the complaint of the applicant dated 24.1.1990 regarding his overtime allowance for the period from 1.2.1987 to 1.8.1987. The following order is passed :-

The application is partially allowed. The respondents are directed to entrust the complaint of the applicant dated 24.1.1990 regarding overtime allowance from 1.2.1987 to 1.8.1987 and to dispose of the complaint within three months from the receipt of this order, according to Rules applicable to the applicant at the relevant point of time.

If the applicant feels aggrieved by that

order of the officer who would decide the complaint, it would be open for him to agitate his grievance before this Tribunal. The application is disposed of accordingly. No order as to costs.

*Ram*

(R.C.BHATT)  
Member (J)

\*Ani.

O.A./375/91

16.1.92

Heard learned advocate Mr.  
P.K. Handa for the applicant and  
Mr. N.S. Shevde for the respondents.  
Matter admitted and disposed of on  
merits by oral judgment.

*R.C. Bhatt*  
(R.C. Bhatt)  
MEMBER (J)

\*Kaushik