

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 117 OF 1992
CA No.

DATE OF DECISION 9-3-1994

Shri G.H. Thakor, **Petitioner**

Mr. M.S. Trivedi, **Advocate for the Petitioner(s)**

Versus

Union of India & Ors. **Respondents**

Mr. Variava for Mr. Akil Kureshi, **Advocate for the Respondent(s)**

CORAM :

The Hon'ble Mr. V. Radhakrishnan, Admn. Member.

The Hon'ble Mr.

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

No

Shri G.H. Thakor,
Ex. Chokidar,
In the C/o. ACE,
C.P.W.D., Ahmedabad.

..... Applicant.

(Advocate: Mr.M.S. Trivedi)

Versus.

1. Union of India (Through)
Directorate General of
Works,
Central Public Works Department,
New Delhi.

2. Chief Engineer (Elect.)
SWZ
Central Public Works Department,
Bombay - 400 020.

3. Superintending Engineer, (E),
Central Electrical Circle,
Central Public Works Department,
Nagpur.

4. Executive Engineer,
C/o. ACED,
C.P.W.D.,
Ahmedabad.

..... Respondents.

(Advocate: Mr. Variava for
Mr. Akil Kureshi)

ORAL ORDER

C.A.No. 117 OF 1992

Date: 9-3-1994.

Per: Hon'ble Mr. V.Radhakrishnan, Admn. Member.

Heard Mr. M.S. Trivedi, learned advocate for the
applicant and Mr. Variava for Mr. Akil Kureshi, learned
advocate for the respondents.

2. The case of the applicant is that during the
period 1.1.1983 to 2.3.1987 he had performed continuous
duty from evening of Friday every week until following
Monday morning and he had been paid overtime only for

17 hrs. a day leaving a balance of 7 hrs. He was granted compensatory off for duty on Sunday and for duty on Second Saturday, he was neither given OFA nor any compensatory off. The respondents have stated that applicant even though he was on duty he had not marked the timings in the duty register. It is admitted fact that no substitute was provided and he was the only person on duty during those days. In this connection reference is invited to para 9(g) of the letter issued by Superintending Surveyor of Works, Bombay vide his letter dated 14th March, 1991, for which it would appear that the matter was referred to the Director General of Works for taking a decision in the matter as the earlier decision was taken by Chief Engineer, it could be only revised by the Director General, Works. The respondents could not clarify as to whether the matter was considered at the level of Director General Works and any decision as taken in the case. In this connection it is relevant to take it into account the letter of 24.4.1991 written by the Executive Engineer, Central Elect. Division, C.P.W.D., Ahmedabad to the Director General of Works, Central P.W.D., New Delhi, Annexure A-6, giving the amount of overtime allowance worked out for duty performed by the applicant on second Saturday & Sunday. It would appear from the

correspondence that no decision was taken by ~~Exempted~~ Director General (Works) regarding payment of OT to the applicant for second Saturday. Taken into account the various facts and circumstances and record available the Director General of Works, New Delhi, Respondent No.1 is hereby directed to consider the question of admissibility of the claim to overtime allowance made by the applicant for second Saturdays and Sundays and decide the same as per rules by a speaking order within ten weeks from the date of the receipt of this direction. In view of the above directions, Mr. Trivedi for the applicant seeks permission to withdraw this application with a liberty to file fresh application in case the applicant is aggrieved by the fresh speaking order by the Director General of Works. Permission granted with liberty as prayed for. Application stands disposed off as withdrawn. No order as to costs.


(V. Radhakrishnan)
Member (A)

vtc.