

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK.

Original Application No.151 of 1988.

Date of decision : September 18, 1989.

Sri Narendra Ch. Swain, H.S.F. Grade I (Wireman),  
Retired as E.L.M. Bhadrak, under E.L.C. Bhadrak,  
Dist. Balasore.

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Applicant

Versus

1. Union of India, through Secretary,  
Ministry of Railways, At. Rail Bhawan,  
New Delhi.
2. General Manager, South Eastern Railways,  
Garden Reach, Calcutta-43.
3. Divisional Railway Manager (P),  
Khurda Division, At. Khurda Road,  
P.O. Jatni, Dist. Puri. ...

Respondents.

For the applicant ... Mrs. R. Sikdar,  
M/s. Saroj Misra  
B. K. Swain, Advocates.

For the respondents ... M/s. Bijay Pal,  
O. N. Ghosh, Advocates.

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C O R A M :

THE HON'BLE MR. N. SENGUPTA, MEMBER (JUDICIAL)

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1. Whether reporters of local papers may be allowed to  
see the judgment ? Yes.
  2. To be referred to the Reporters or not ? No .
  3. Whether His Lordship wishes to see the fair copy of the  
judgment ? Yes.
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J U D G M E N T

N. SENGUPTA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for overtime/officiating allowance making the following allegations.

2. The applicant was working as a highly skilled Fitter Grade I in the Khurda Road Division and was posted at Bhadrak. The Electrical Chargeman at Bhadrak had been frequently going on leave during the period from 1979 to 1983 and a list of the periods during which the Electrical Chargeman was absent has been given in Annexure-4 to the petition. The applicant's case is that as during those periods he had to discharge the duties of the Electrical Chargeman in addition to his own duties, he is entitled to overtime/officiating allowance. He has further averred that he made a representation to the departmental authorities for the grant of such remuneration or allowance but they turned down saying that as the post of an Electrical Chargeman was supervisory in nature no overtime allowance was admissible. In support of this the applicant has relied on Annexure-A/2. By order dated 1.6.1987, the representation of the applicant for overtime/officiating allowance was rejected and the copy of which is to be found at Annexure-A/3 at page 13 of the record.

3. The case of the respondents i.e. Railway Administration is that no doubt the applicant on some dates when the Electrical chargeman was absent, did the duties of an Electrical Chargeman but that would not

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entitle him to any payment. Their case further is that the applicant was not that senior to officiate in the post of Electrical Chargeman at the station and at that place there are others senior to the applicant. So, the applicant is not entitled to any extra payment for having performed the duties of Electrical Chargeman. They have further taken the stand that for calculation of payment of overtime/ officiating allowance there must be some rules entitling the applicant to get it but there is none. It is unnecessary to set out the other details in the counter filed by the respondents as in my opinion, the above statements would be sufficient to dispose of the matter.

4. Mrs. R.Sikdar, learned counsel for the applicant, has tried to draw an analogy from the Fundamental Rules and particularly she has referred to F.R.49 , I am afraid, the rule goes against her contention than supporting her. Chapter VI of the Fundamental Rules deals with combination of appointments, under (iv) no additional pay shall be admissible to a Government servant who is appointed to hold current charge of the routine duties of another post or posts irrespective of the duration of the additional charge. It is not the case of the applicant that there was any order appointing him to discharge the duties of an Electrical Chargeman . Annexure-R/4 would make it clear that the applicant was asked to perform <sup>- or be -</sup> ~~the~~ current charge of the routine duties of Electrical Chargeman in addition to his own duties. Therefore, even if it could have been applicable to his case, he cannot claim for any

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emolument for the work done by him. It is not the case of the applicant that by being in charge of the Electrical Chargeman he was required to remain for more time than the prescribed duty hours. In these circumstances, it is difficult to accede to the prayer of the applicant that he is entitled to any additional payment for having remained in routine charge of the duties of an Electrical Chargeman. In sub-para 6 of para 6 of the petition reference has been made to Annexure-A/2 and it is said that his claim was refused by the departmental authorities only because Electrical Chargeman was a supervisory post where O.T. is not permitted. Annexure-A/2 reads that since the post of Highly skilled Fitter Grade I/Electrical is not a post of supervisory category, the Board's orders circulated under Estt. Serial No.21/83, which envisages payment to a supervisory staff, if required to work against a non-supervisory post for some time, is not applicable to this case. On reading this Annexure-, it would be clear that somebody holds a supervisory post and he is asked to do non-supervisory work, in that eventuality he can claim payment of overtime allowance. Admittedly, highly skilled Fitter Grade I is not a post similar to Electrical Chargeman. Therefore, there is absolutely no doubt that the rule relating to a person holding supervisory post being asked to do non-supervisory work cannot be attracted.

5. From Annexure-A/4 it would be seen that though on a number of occasions the Electrical Chargeman remained absent, except for one occasion, all other periods were mostly less than a month and it is not the applicant's case that there

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was any formal order of appointment of his to the Grade I Electrical Chageman.

6. In view of the observations, the applicant cannot succeed and accordingly the application is dismissed but as the applicant might have harboured a notion that he would be entitled to some payment, it would not be proper to saddle him with costs.



*[Signature]*  
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Member (Judicial)

Central Administrative Tribunal,  
Cuttack Bench, Cuttack.  
September 18, 1989/Sarangi.