

4
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No. 3 of 1993.

Date of decision : January 6, 1994.

Paramananda Baral ...

Applicant.

Versus

Union of India and others ...

Respondents.

(FOR INSTRUCTIONS)

1. Whether it be referred to the Reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunals or not ?

6-1-94
(K. P. ACHARYA)
VICE-CHAIRMAN

5

10

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

Original Application No.3 of 1993.

Date of decision : January 6, 1994.

Paramananda Baral ... Applicant.

Versus

Union of India and others ... Respondents.

For the applicant ... M/s. A. Routray,
S. Mishra, S. Mohanty,
Advocates.

For the respondents ... Mr. Akhyaya Kumar Mishra,
Addl. Standing Counsel
(Central)

C O R A M :

THE HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN.

O R D E R

K. P. ACHARYA, V.C., In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays to direct Respondent No. 2 to pay the overtime allowance for the period from June, 1988 to April, 1991 and regularly thereafter.

2. Shortly stated, the case of the applicant is that he is a watchman working in the Small Industries Service Institute Workshop at Cuttack. The applicant performs duties beyond the prescribed period and therefore the applicant claims overtime allowance.

3. In their counter, Respondents maintained that according to the instructions given by the Government of India instead of paying overtime allowance the competent

✓
M

authority should give compensatory leave to the applicant which would compensate payment of overtime allowance. Hence, the case being devoid of merit is liable to be dismissed.

4. I have heard Mr. A. Routray, learned counsel for the applicant and Mr. Akhyaya Kumar Mishra, learned Additional Standing Counsel(Central) for the respondents.

5. I am well aware of the directions given by the Ministry for giving compensatory leave in lieu of overtime allowance. But here is a case in which it is stated on behalf of the applicant that he has been working more than 8 hours. On very many occasions he has worked without the second watchman because of leave ^{availed by the said Watchman}. No Officer has the right to employ a particular employee in his Office beyond 8 hours and in case he has employed, the concerned employee ^{he} must be adequately compensated. There is no averment finding place in the counter that the applicant has been given compensatory leave. In the absence of any such averment I would unhesitatingly accept the statement made by Mr. Routray that no compensatory leave has ever been granted to the applicant. Expression of willingness at this belated stage for giving compensatory leave to the applicant does not comply with the directions of the Ministry and it is no cure to the injury already caused to the applicant. Therefore, it is directed that overtime allowance for the periods the applicant has worked beyond the prescribed hours should be calculated and paid to the applicant for the

period beginning from June, 1988 till April, 1991 within 45 days from the date of receipt of a copy of this judgment. Ordinarily, I felt inclined to give the financial benefit to the applicant till the date of filing of the application but there being no such prayer I would refrain myself from awarding financial benefits to the applicant to that extent. I hope and trust, Respondent No. 2 will also give such benefit to the applicant for the subsequent period, in case the applicant has rendered service beyond the prescribed period of 8 hours.

6. Thus, this application is accordingly disposed of leaving the parties to bear their own costs.



6.1.94.

.....
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack.
January 6, 1994/Sarangi.