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Rejoinder not filed 12/1/01	<p><u>Order dated 30.3.2001</u></p> <p>Heard Shri S.J.Nanda, learned counsel for the petitioner and Shri S.B.Jena, learned Addl. Standing Counsel for the Respondents and also perused the records.</p>
for Admission 12/1/01	<p>In this application the petitioner has prayed for a direction to respondents to give him salary for the months of October & November, 1999 and for a further direction that he should be paid his salary regularly. His 2nd prayer is for direction to respondents to sanction him over time allowance, as he is entitled to get the same. Respondents have filed their counter opposing the prayer of the applicant and the applicant has filed rejoinder. We have gone through the pleadings.</p>
for Orders on Memo (Responders and M.A.23/1/01 Reg. fixing date of hearing dated with copy to other side.) 12/1/01	<p>In the counter the respondents have mentioned that salary for the months of October & November, 1999 has in the meantime been paid to the applicant, which has not been denied by the applicant in the rejoinder. In view of the above, this aspect of the prayer has already been met and it only remains for us to direct the respondents that like other similar employees applicant must be paid his salary regularly every month in accordance with rules. It is so ordered. The 1st prayer of the applicant is disposed of accordingly.</p>
J.J.M.	<p>The 2nd prayer of the applicant is for payment of over time allowance. Respondents have stated in Page-1 of their counter that over time claim of the applicant has been recommended by the Director, Deptt. of Light House and Light Ships, Calcutta to the D.G. Deptt. of Light House and Light Ships, New Delhi and payment can only be made after the sanction is received. We note that the counter in this case has been filed in May, 2000 and by now 10 months have elapsed. We also find from Annexure-R/3, annexed by the applicants Respondents that payment of over time allowance has been under 'active consideration' of the Ministry of Surface Transport prior to the date of issue of this letter at Annexure-R/3. From the copy of this letter the date of its issue is not clearly visible. But this appears to have been issued sometime in 1994. Thus it appears that the question of granting over time allowance is receiving active</p>

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consideration of the Ministry from 1994. As the matter has been pending for long time, we direct Respondents 1 and 2 to sanction the overtime allowance payable to the applicant in accordance with rules within a period of six weeks from to-day. The 2nd prayer of the applicant is accordingly disposed of.

Learned counsel for the petitioner has brought to our notice at the time of hearing, a circular dated 24.1.2001 issued from the Office of Respondent No.1, with regard to payment of O.T.A. to Operational Staff. It is not necessary for us to go into the question of manner of sanctioning O.T.A. In case after receipt of the O.T.A. the applicant has any grievance with regard manner of sanction of overtime allowance and quantum thereof that would involve a separate cause of action and cannot be adjudicated in the present O.A.

In the result, therefore, O.A. is disposed of with the above direction and observation, but without any order as to costs.

R. M.
MEMBER (JUDICIAL)

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VICE CHAIRMAN
30.3.2001

Free copies of final order dt. 30.3.2001 issued to counsels for both sides.

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24/3/2001

S. O. (D)