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B.K.Singh & Ors. vs.UOI

ADMISSION SL.NO.7
O.A.No.260/00831/15
Date-08.12.2015

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Heard Mr.R.C.Sethi, learned counsel for the applicants and Mr.T.Rath, learned Standing Counsel for the respondents. M.A.No.824/15 for joint prosecution is allowed and thus disposed of.

2. Applicants, 55 in number are working in various Technical positions of the Electrical Department of the E.Co. Railways. Their grievance is directed against non-payment of overtime allowance since they are not being relieved of their duties even when the train carries a halt at the destination station and in the circumstances their originating point and closing point remains the same, i.e., Puri. Therefore, they have approached this Tribunal for direction to the railway administration for making payment of over time allowance.

3. During the course of hearing on admission, Mr.Sethi pointed out that applicants had made representation to DRM, Khurda Road and there being no action taken, they sent notice under Section 80 CPC to the General Manager, E.Co.Railways. On perusal, it is found that those documents do not carry any specific date. Further, in the representation made to the DRM, although a



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mention has been made that the similar matter concerning Central Railways has been resolved by the Hon'ble Mumbai High Court, the details of such order are not available. Mr.Rath on the other hand, submitted that in the averments made in the O.A., no such order has been mentioned and unless the details are mentioned, the respondents will find it very difficult to dispose of the matter.

4. Having regard to the submissions made by the learned counsels of both the sides, I am of the opinion that no proper representation giving various details as well as the judgment relied on by the applicants has been submitted before the respondents. Therefore, it cannot be held that the applicants have availed of the departmental remedies. When pointed out, Mr.Sethi craved leave of the Tribunal to withdraw the O.A. with liberty to the applicants to make an effective representation before the authorities in the railways. Accordingly, it is directed that if any such representation is filed within a period of fortnight by the applicants, respondent no.2 shall take expeditious steps to consider and dispose of the same as per extant rules and in keeping with the decision of Hon'ble Mumbai High Court. However, applicants are at liberty to enclose copy of this order to the representation to be preferred by them.

5. With the above observation and direction, the O.A. is disposed of as withdrawn. No costs.



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6. Free copy of this order be made over to learned counsel for both the sides.


(R.C.MISRA)
MEMBER(A)

