

के.प्र.प्र. (प्रक्रिया) नियमावली के नियम 22 के अन्तर्गत निः शुल्क प्रति

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH; JODHPUR**

**Original Application Nos.120/2008**

**Date of decision: 23-09-2010.**

**Hon'ble Dr. K.B. Suresh, Judicial Member.**

Dharmendra Kumar Soni, S/o shri Gopi Chand soni, aged about 40 years, R/o Q. No. T-10-H Near Platform No. 1 churu, Working as Head Booking Clerk, Railway station Churu Junction, North West Zone (Rajasthan).

Applicant.

Rep. By Mr. Bhanu Pratap singh proxy counsel  
For Mr. Amit Dave : Counsel for the applicant.

**Versus**

1. Union of India through the General Manager (Personnel) North Western Railways, Jaipur.
2. Divisional Railway Manager( Personnel), North Western Railway, Bikaner.

: Respondents.

Mr. Govind suthar proxy counsel for  
Mr. Manoj Bhandari : Counsel for the respondents.

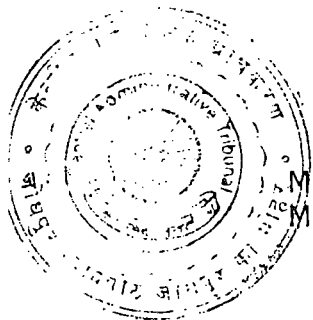
**ORDER**

**Per Dr. K.B. Suresh, Judicial Member.**

Wednesbury principles must permeate the decision making process of any administrative department .

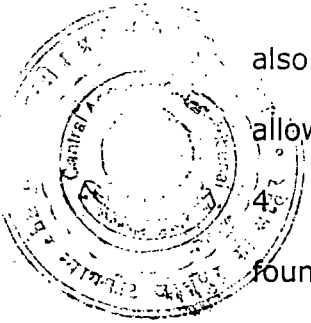
2. The issue involved in this matter is very simple. A man alleges that he had worked overtime on compulsion. The authorities claim that either they have not received the claim for such working in the proper format or not received the same by the appropriate authority. But the fact of his working overtime is not disputed. If

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work had been allocated to an individual in the normal stipulation, it is possible that he might have worked overtime and without anything extra, it is the duty of the employer to pay him in accordance with rules and regulations in force even without him asking for payment. Therefore, even if the overtime claim had not been preferred by him in time or the claim might have been given to the authorities other than who were authorized to accept them, the situation will not change. **The responsibility of making payment lies with the employer.**

3. The Indian Constitution prevents organised slavery. It is trite law that a labourer is entitled to his wages and overtime wages are also part of wages and therefore he is entitled to get the overtime allowances if he had working overtime on orders.



4. I have heard the learned counsel appearing for both sides and found that Annex. A/2, series of documents, which is issued by the concerned railway authorities are not denied. The objection put forth by the respondents is that the claim must be barred by limitation. As per the law laid down by the Hon'ble Apex Court on wages, which had been pending decision all these years, there cannot be any limitation attached to it. It is a continuing cause of action till a decision is rendered. Therefore the question of limitation is not applicable to the instant case.

5. Having found that the applicant is entitled to get overtime wages, even without asking for it, an opportunity is given to the railways to calculate and compute the overtime wages and other requisites on the basis of Annex. A/2 and cogent records, furnish a

statement of entitled amount to the applicant within one month from today and within 15 days of the receipt of such statement, if the applicant wants to make any representation in that regard, he should file the same to the concerned authorities and the respondents within the next 15 days shall consider the same and pass a speaking order. The amount so arrived at must be paid to the applicant within one month thereafter. i.e. a total period of three months from today has been granted to the respondents to settle the claim of the applicant without any interest. If the matter is delayed beyond the said period of three months, the applicant shall be entitled to get interest at the rate of 15% per annum from the date when the over time allowance is due till the date payment. The O.A is allowed in part in respect of overtime allowance only and with regard to the claim of travelling allowance by the applicant the O.A is dismissed. There will be no order as to costs.

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Dated: 24.9.16

AS

सूचना अधिकारी (न्याय)

Section Officer (Judl.)

केन्द्र न्यायिक अधिकरण

Central Administrative Tribunal

जोधपुर न्यायिक, जोधपुर

Jodhpur Bench, Jodhpur.

**[Dr.K.B. Suresh]**  
Judicial Member.