

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

ORIGINAL APPLICATION NO. 82/2009

Date of order: 25.11.2010

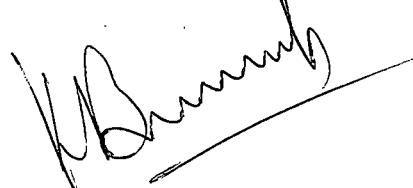
CORAM:

HON'BLE DR. K.B. SURESH, JUDICIAL MEMBER

1. Parma Nand S/o Shri Parbhati Ram, aged about 34 years, resident of Quarter No. 50A B.G. Railway Colony, Sriganganagar - Post: Technician Air Condition Gr.-II, Sriganganagar.
2. Ran Singh S/o Shri Munshi Ram, aged about 48 years, resident of Quarter No. 23A B.G. Railway Colony, Sriganganagar (Raj.) - Post: Technician Air Condition Gr.-I, Sriganganagar.
3. Krishan Autar S/o Shri Het Ram, aged about 51 years, resident of Railway Colony Meter Gage Line, Block N.T. 14, Near Water Diggi, Sriganganagar - Post: Technician Air Condition Gr.-I, Sriganganagar.
4. Sunil Dutt S/o Shri Swaran Dass, aged about 46 years, resident of Quarter No. 23A B.G. Railway Colony, Sriganganagar (Raj.), - Post: Technician Air Condition Gr.-I, Sriganganagar.
5. Yadhishthir Kumar S/o Shri Gulab Singh, aged about 28 years, resident of Near Govt. Primary School, Sirsa (Haryana) - Post: Technician Air Condition Gr.-II, Sriganganagar.
6. Manish Sehgal S/o Shri Ashok Kumar Sehgal, aged about 27 years, resident of House No. 2, Shastri Basti, Ganga Singh Chowk, Near Railway Fata, Sriganganagar. - Post Technician Air Condition Gr.-II, Sriganganagar.
7. Narendra Kumar S/o Shri Chatru, aged about 39 years, resident of Quarter No. D, Block No. 30, Railway Colony (B.G.) Link, Sriganganagar - Post: Air Condition Coach Attendant, Sriganganagar.
8. Jai Veer Prasad Jain S/o Shri Janti Prasad Jain, aged about 44 years, resident of Quarter No. F, Block No. 30, Railway Colony (B.G.) Link Sriganganagar - Post: Air Condition Helper Khalasi, Sriganganagar.

...Applicants.

Mr. Kuldeep Mathur, counsel for applicants.



VERSUS

1. The Union of India through the General Manager, North-West Railway, Jaipur (Raj.).
2. The Divisional Rail Manager, North-West Railway, Bikaner.
3. Senior Divisional Electrical Engineer, North-West Railway, Bikaner.
4. Senior Divisional Personnel Officer, North-West Railway, Bikaner.
5. Section Engineer (AC), North-West Railway, Sriganganagar (Raj.).

... Respondents.

Mr. Manoj Bhandari, counsel for respondents.



ORDER
(Per Hon'ble Dr. K.B. Suresh, Judicial Member)

The matter relates to overtime allowances payable to Technician Air Conditioning Grade I & II, Air Conditioning Coach Attendant and Air Conditioning Helper Khalasi in trains; following this Bench of the Tribunal's order dated 17.07.2007 in O.A. No. 141/2007 in which the respondents were directed to consider the representations of the applicants, by which they were directed to make individual detailed representation within fifteen days, and with further direction to the respondent no. 2 to consider and dispose of the representations within a period of two months. The respondents thereupon passed an order annexure A/1 dated 04.10.2007 by which they denied the applicants' benefit of overtime on the ground that they were not having the concerned documentation with them but in the interregnum period, the respondents seems to have paid the overtime allowances from 1997 onwards, leaving behind the payment of overtime

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allowances for the year 1996 only. We are convinced that the applicants were agitating the issue for a long time.

2. The applicant would produce the annexure A/10 letter and annexure A/11 communication dated 09.09.2007. The annexure A/10 is a letter issued by the competent authority i.e. Section Engineer (Electrical), NWR, Sriganganagar who reported that he is in the possession of the documentation regarding overtime payment but he would say that the concerned person working in the Section in his office is absenting himself and therefore he could not accept or reject and he wanted guidance. But by order annexure A/11, it is seen that the senior officer seems to have replied in a vague manner and in effect that the Railways did not have any documentation to consider the issue of fact of overtime put in by the workmen.

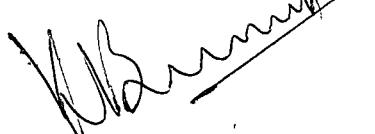
3. The learned counsel for the applicants points out that even in the absence of any documents; it is possible for the Railways to adjudicate the issue. He submits that as the running of trains and their duty time were all known to them, and therefore, it is a matter of deduction alone. He would say that in fact the applicants had submitted all the records and documents in time, and for reasons unknown to them, the Railways are now withholding the benefits of overtime, which is legally due to them. Having already paid overtime allowances from 1997 onwards, the exception to 1996 alone is quite arbitrary, states the applicant.



4. Having considered this matter and based on Annexure A/10 and A/11, I find that the Railways to have accepted the documents and as they are in possession of the correct documents, withholding the payment is not reasonable. Therefore, in such view of the matter, the respondents are directed to make payment of overtime allowances in question to the applicants for a work turn of 8 hours, without any interest within a period of three months from the date of receipt of a copy of this order, and thereafter along-with the interest @ 12% per annum relating to the year 1996. However, the learned counsel for the respondents would say that in fact for this period also, the applicants have been paid overtime allowances. Thus, if overtime payment is already made, there need not be a second payment for the same but in such case, if there is a question of second payment, a speaking order shall be issued.

The Original Application is allowed to the extent indicated above.

There shall be no order as to costs.



(DR. K.B. SURESH)
JUDICIAL MEMBER

nlk

Received

लिखित 17/11/16 को अद्यतात्तुल्य
प्रेस एवं प्रिंटिंग ब्रॉडकास्ट 17/11/16

को लिखा गया वार्ता का ग्रहण ।

आद्यता एवं प्रिंटिंग
कोन्स्ट्रुक्शन एवं प्रिंटिंग अधिकारण
जोधपुर न्यायस्थीठ, जोधपुर