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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR**

**Original Application No.602/2011
with
Misc. Application No.217/2011**

Date of decision: 18-12-2012

CORAM

HON'BLE MR. B.K.SINHA, ADMINISTRATIVE MEMBER

Somdutt S/o Shri Ramkumar, aged 60 years, R/o Lalgah, District Bikaner. At present posted : SS/ASM Kanasar, Bikaner, Northern Western Railway.

.....Applicant

(None)

Vs.

1. Union of India through the General Manager, North Western Railway, Jaipur.
2. Divisional Railway Manager, Northern Western Railway, Bikaner.
3. Senior Divisional Personnel Officer, Northern Western Railway, Bikaner.
4. Senior Divisional Operating Manager, Northern Western Railway, Bikaner.

...Respondents

(By Advocate Mr. Girish Sankhla)

ORDER (ORAL)

Per : Hon'ble Mr. BK Sinha, Administrative Member

Heard the learned Counsel for the respondents. This is a case in which the applicant has been working as a Station Master at Kanasar Railway Station. He claims that he has been working overtime sometimes 12-14 hours continuously and had made request for the payment of overtime duty, but the same has not been acceded.

2. I have perused the reply filed by the respondents and heard the learned Counsel on behalf of the respondents. He has argued

that 'Continuous Duty Roster' has been implemented w.e.f. 01.01.2008 [Para 4.3 of the reply, page 42] [R-1& R-2]. The duty roster was issued by the competent authority on 27.12.2007 and as the 'continuous duty roster' had not been implemented prior to 1.1.2008, the applicant has no right to prefer any claim under the same. The learned counsel for the respondents has further argued that the applicant has never submitted any representation and has straightway proceeded to file the instant OA. Additionally, the applicant was well aware about the fact that he has not having any due payment of overtime allowance from Feb., 2006 to 01.01.2008 and yet he has preferred a claim, being fully aware of the fact the same lay beyond his entitlement thereby showing his dishonest intentions[Para 4.10 of the reply page 37]. The applicant has also not produced the complete copy of the overtime slip, which has been pending.

3. Though the learned counsel for the applicant has remained absent continuously for the last four dates, the OA has been taken up for disposal on merits after having carefully considered pleadings available on record without there being any prejudice against him. The OA lacks merits and the same has been dismissed as misplaced and being without substance. Accordingly, MA No.217/2011 for condonation of delay is also dismissed. The parties are left to bear their own costs.



[B.K. SINHA]
ADMINISTRATIVE MEMBER