

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**OA No. 574 of 2004**

Thursday, this the 19th day of August, 2004

**CORAM**

**HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN  
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER**

1. K.V. Suresh,  
S/o Velayudhan,  
Senior Gate Keeper (LC No.39-Aloor)  
under Section Engineer, Permanent Way,  
Southern Railway, Chalakudi  
Residing at Kuttoothungara House,  
Muthrathikkara, Parappur Post,  
Trichur District, Pin - 680 310       ....Applicant

[By Advocate Shri T.C. Govindaswamy]

Versus

1. Union of India represented by the  
General Manager, Southern Railway,  
Headquarters Office, Park Town PO,  
Chennai-3
2. The Divisional Railway Manager,  
Southern Railway, Trivandrum Division,  
Trivandrum-14
3. The Senior Divisional Personnel Officer,  
Southern Railway, Trivandrum Division,  
Trivandrum-14
4. The Section Engineer/Permanent Way,  
Southern Railway, Chalakudy.
5. The Senior Divisional Engineer,  
Southern Railway, Trivandrum Division,  
Trivandrum-14       ....Respondents

[By Advocate Shri P. Haridas]

The application having been heard on 19-8-2004, the  
Tribunal on the same day delivered the following:

**O R D E R**

**HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN**

The grievance of the applicant is that his claim for Overtime Allowance for the duties performed at the level crossing Gate No.39 between Chalakudy and Irinjalakuda beyond roster hours has not been considered and settled. Since he

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could not find any response to his representation Annexure A5, the applicant has filed this application seeking the following reliefs:-

- "(a) Declare that the non-feasance on the part of the respondents to grant the applicant overtime allowance for the period of extra hours of duty performed by him at the Level Crossing Gate no.39 between Chalakudi and Irinjalakuda, beyond the rostered hours indicated in Annexures A1 and A3, is arbitrary, discriminatory and unconstitutional;
- (b) Direct the respondents to grant and pay the applicant forthwith, overtime allowance for the period of extra hours of duty performed by him beyond the rostered limit indicated in Annexures A1 and A3;
- (c) Direct the 4th respondent to regulate the applicant's hours of employment as Gate Keeper in terms of Annexure A1 roster and to grant him consequential benefits thereof;
- (d) Award costs of and incidental to this application; and
- (e) Pass such other orders or directions as deemed just, fit and necessary in the facts and circumstances of the case."

2. When the application came up for hearing, Shri P.Haridas takes notice on behalf of the respondents. Counsel on either side agree that the application may be disposed of permitting the applicant to make a representation to the 2nd respondent and directing the 2nd respondent to consider such representation if made and to give him an appropriate reply within a short time.

3. In the light of the above submission by the learned counsel on either side, the Original Application is disposed of permitting the applicant to make a detailed representation to the 2nd respondent projecting his grievances within two weeks and directing the 2nd respondent that if such a representation is received the same shall be considered in the light of the rules and instructions on the subject and a reasoned order

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shall be given to the applicant within a period of six weeks from the date of receipt of the representation. No order as to costs.

Thursday, this the 19th day of August, 2004

H. P. DAS

ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN

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