

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
OA No.9 of 1995

Thursday, this the 5th day of January, 1995

CORAM:

HON'BLE MR JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR SP BISWAS, ADMINISTRATIVE MEMBER

1. C Prabhakaran,
Running Bungalow Cook,
Southern Railway,
Calicut, Palghat Division.
2. L Narayanan,
Running Bungalow Cook,
Southern Railway,
Mangalore.
3. VJ Michael,
Running Bungalow Cook,
Southern Railway,
Mangalore.
4. KJ Jhonson,
Running Bungalow Assistant Cook,
Southern Railway, Shornur,
Palghat Division. .. Applicants

By Advocate Mr. TC Govindaswamy

Vs.

1. Union of India through
the Secretary to
Ministry of Railways,
Railway Board, New Delhi.
2. The General Manager,
Southern Railway,
Madras-3.
3. The Divisional Railway Manager,
Southern Railway,
Palghat.
4. The Assistant Labour Commissioner,
Central, Mangalore. .. Respondents

By Advocate Mr. Mathews J Nedumpara

O R D E R

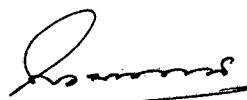
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

Applicants who are Cooks and Assistant Cooks under the Railways, seek overtime payments. According to them, their working hours are very long and for work done in excess of

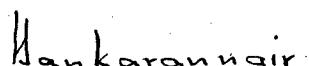
96 hours in a fortnight, they should be paid overtime wages. We are not sure whether rigid working hours would be practicable in all types of employment, having regard to the nature of work. In some cases there may be long spells of free time between working hours - whether that should be reckoned as working time, is a question that must be considered by the competent authority with reference to the special facts of the case. We find that applicants have made A-5 representation seeking reliefs, and that is pending consideration before third respondent. It is now stated by Counsel for applicants that third respondent Divisional Railway Manager is not competent to take a decision, and that, only second respondent General Manager can take a decision in the matter. Applicants may make a representation before second respondent General Manager, and second respondent will pass appropriate orders on the representation within four months of the date of receipt of the representation.

2. Application is disposed of as aforesaid. No costs.

Dated the 5th January, 1995



SP BISWAS
ADMINISTRATIVE MEMBER



CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ak/5195

List of Annexures

Annexure A-5:- A true copy of the representation submitted by the applicants to the 3rd respondent. dt. 4.1.93.