

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.NO.121/2001

Thursday, this the 5th day of September, 2002.

CORAM;

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

HON'BLE MR T.N.T.NAYAR, ADMINISTRATIVE MEMBER

V.M.Nizar,
Head Light Keeper,
Kalpeni Light House,
Kalpeni Island(P.O.)
(via) Kochi Head Post Office,
U.T. of Lakshadweep,
PIN:682 557. - Applicant

By Advocate Mr P.K.Ibrahim

Vs

1. The Director of Light Houses and Light Ships,
Cochin-20.
2. The Director General,
Department of Light House and Light Ships,
Ministry of Surface Transport,
Noida- U.P.
3. Union of India represented by
Secretary,
Ministry of Surface Transport,
New Delhi. - Respondents

By Advocate Ms S Chithra, ACGSC

The application having been heard on 5.9.2002 the Tribunal on the same day delivered the following:

O R D E R

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

The applicant, a Head Light Keeper, under the Lakshadweep Administration, has filed this application for the following reliefs:

- i) To call for the records leading to A-6 and quash the same.
- ii) To declare that the applicant is entitled to the overtime allowance for the period he worked from May 1997 to October 2000.
- iii) To direct the respondents to consider the claim of the applicant for over time and grant him over time allowance for the over time duty performed by him during May 1997 to October, 2000.
- iv) To direct the respondents to grant to the applicant weekly off, national holidays, etc. as has been given to other categories of employees under the respondents or in the alternative direct to pay overtime allowance for the duty performed on those days.
- v) To direct the respondents to sanction sufficient number of lightkeeping staff for normal functioning of Kalpeni Light House by ensuring eligible leave to staffs therein and undo with the pressure of overtime duty on the regular staff.

It is alleged in the application that the applicant had been forced to perform over time duties during May, 1997 to October, 2000 on various dates, that during the year 2000, the applicant had on certain occasion to man the Light Houses singlehandedly and that he was not being granted weekly off on national holidays on which days also he had been made to work for want of other staff.

2. The respondents in their reply statement contend that the claim of the applicant regarding over time allowance in the application is inflated, that as per rules when the Light Houses are provided with sufficient staff, payment of OTA is to be restricted to 15 hours per month and that for the work performed during national holidays, if a proper claim is preferred the same would be considered and granted.

3. When the application came up for hearing, learned counsel for respondents states that the OTA preferred by the applicant will be scrutinised by the competent authority and if it is found to be correct, the claim of the applicant would be settled by making the payment to the extent of actual OT work performed by the applicant and that the O.A. may be disposed of with directions accordingly. Learned counsel for the applicant states that the application may be disposed of with such a direction to be complied with within a reasonable time frame.

4. In the light of the above submission by the learned counsel on either side, the application is disposed of directing the first respondent to scrutinise the claim of the applicant for OTA and compensatory off for the work performed by the applicant and make available to the applicant the entire amount of OTA for the overtime work actually performed by him even if it exceeds 15 hours per month. The above direction shall be complied with by making due payment to the applicant within a period of three months from the date of receipt of copy of this order. There is no order as to costs.

Dated, the 5th September, 2002.


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

trs

APPENDIX

Applicant's Annexures:

1. A-1: True copy of the Communication No.1-1/5/79-Adm. dated 25.4.96 from the 1st respondent to the Assistant Engineer (Electronics).
2. A-2(a): Photo copy of the statement last submitted claiming overtime for the month of September, 2000.
3. A-2(b): Photocopy of the statement last submitted claiming overtime for the month of October, 2000.
4. A-3: True copy of the letter No.MCH/Estt/98-129 dated 22.5.98 from the office of the Manakkodam Light house to the 1st respondent.
5. A-4: True copy of the letter dated 15.12.98 from the Petitioner to the 1st respondent.
6. A-5: True copy of the communication No.1-1/5/79/Admn. dated 29.2.2000 2nd respondent to the Complainant.
7. A-6: True copy of the communication No.1-1/5/79-Adm. dated 30.11.2000 of the 1st respondent.
8. A-7: True copy of the office order NO.1-3/83/78-Estt. dated 28.5.2001 of the 1st respondent.
9. A-8: Photocopy of the weekly duty roster form for the period from 3.3.2002 to 11.5.2002.

Respondents' Annexures:

1. R-1(A): True copy of letter NO.14018/1/90-SI dated 17.12.92 issued by Ministry of Surface Transport(Shipping Wing).
2. R-1(B): True copy of letter No.14018/1/90-SI dated 15.11.93 issued by Ministry of Surface (Shipping Wing).
3. R-1(C): True copy of letter No.9/18/2000-B&A dated 22/24-1-2001 issued by Department of Light houses and light ships.
4. R-1(D): True copy of leave availed by the applicant during 1998, 1999 & 2000.

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