

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.155/2002.

Tuesday this the 27th day of May 2003.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

1.	P.P.Varghese, Server,	Kerala Express Batch No.IV, Catering Inspector's Office, Southern Railway, Thiruvananthapuram.
2.	C.Kesavan, Server,	-do-
3.	P.V.Krishnan, Server	-do-
4.	N.Hariharan, Assistant Cook,	-do-
5.	P.K.Kannan, Catering Cleaner,	-do-
6.	V.P.Ravindran Nair, Server,	-do-
7.	V.V.thampi, Server,	-do-
8.	C.R.Chandran, Catering Cleaner,	-do-
9.	M.R.Krishnankutty, Server,	-do-
10.	K.P.Sunil Kumar, Senior Cook,	-do-
11.	K.Balasubramanian, Server,	-do-
12.	K.K.Balakrishnan, Server,	-do-
13.	P.P.George, Server,	-do-
14.	P.R.Parameswaran, Server,	-do-
15.	K.Velayudhan, Server,	-do-
16.	N.N.Karunakaran, Server,	-do-
17.	J.Shaju, Catering Cleaner,	-do-
18.	P.V.Raman, Server,	-do-

19. K.Ramakrishnan Nair,
Server, -do-
20. T.Ummer, Server, -do-. Applicants
(By Advocate Shri P.K.Madhusoodhanan)

Vs.

1. The Senior Divisional Personnel Officer,
Southern Railway, Divisional Office,
Thiruvananthapuram.-14.
2. The Senior Divisional Commercial Manager,
Southern Railway,
Thiruvananthapuram-14.
3. Union of India represented by its
Secretary to Ministry of Railways, Rail Bhavan,
New Delhi. Respondents

(By Advocate Smt.Sumathi Dandapani)

The application having been heard on 27.5.2003,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.K.V.SACHIDANANDAN JUDICIAL MEMBER

The applicants are Catering Group D Staff of the Commercial Department of the Trivandrum division of the Southern Railway.. Their grievance is that they are not granted and paid the overtime allowances legally due to them for the period 29.3.98 to 27.3.99. The applicants are working in long-running Express train, Kerala Express under the immediate control and supervision of catering Inspector, Trivandrum Central and as per the Hours of Employment Regulations , the employment of the applicants are admittedly included in the classification "Continuous" and their rostered duty hours is 52 Hours a week. The applicants preferred O.T.A.Bills for the period from 29.3.98 to 27.3.99 as early as in February 2000. The Ist respondent returned their O.T.A. claims suggesting that such claims should be routed through Catering Inspector concerned and directed to re-submit the same based on the approved roster as such. They



preferred representations before the Divisional Railway Manager, Trivandrum. A-2 is the representation preferred by the 1st applicant on 16.10.2000. Identical representations were filed by other applicants as well as the matter in issue is the same. The applicants submitted another representation dated 26.6.2001 vide A-3 to the first respondent stating that their O.T.A. Bills are prepared based on the revised roster and requested to grant them the benefits. On 24.11.2001 the applicants have been paid only a portion of their OTA claims. The respondents 1 & 2 have not disclosed the reason and they are not paid the eligible OTA. According to the applicants, they received only 17% of the eligible OTA. They made a representation dated 8.12.2001 vide A-5. No orders so far have been passed on it. Aggrieved by the inaction on the part of the respondents the applicants have filed this O.A. seeking the following reliefs.

- i) Issue necessary directions to the first respondent to grant and disburse to the applicants over time allowances for the period of work exceeding 104 hours in a fortnight as per the percentage stipulated in Annexure A7 for the period they specifically stated in Annexure A-2, for which they submitted overtime Bills in February 2000, declaring that the applicants are entitled to get overtime allowance beyond 104 hours in a fortnight in accordance with law and the percentage stipulated in Annexure A-7;
- ii) Issue necessary directions to the first respondent to grant and disburse to the applicants overtime allowance in accordance with law at the rates specified in Annexure A-7 and continue to grant and disburse the same for subsequent periods as well in time as per their eligibility and overtime duty.
- iii) Costs of the proceedings; and
- iv) grant such other reliefs as may deem just and proper.

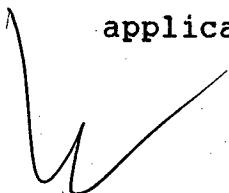
2. Shri PK Madhusoodhanan learned counsel appeared for the applicant and Smt. Sumathi Dandapani appeared for the respondents. The respondents have filed a detailed reply



statement in which they admitted that the applicants are working as catering staff in long running Kerala Express from Trivandrum to New Delhi and they are treated as travelling staff and is generally classified as "continuous" workers and their rostered hours is fixed as 52 hours per week and 104 hours in a fortnight as in the case of running staff. The statutory hours of work is 54 hours per week and 108 hours in a fortnight. The rostered hours in a two weekly period applicable to running staff is extended to travelling staff who do not have fixed roster and are covered by subsidiary instructions 18; , 19 and 20 of Sec.71-A to 71-H of the Indian Railway Act 1890. According to them the number of hours of busy period is calculated as 74 hours whereas the applicants' calculation comes to 96 hours.

3. When the application came up for hearing learned counsel for the applicant submitted that the applicants would be satisfied if the A-5 representation is disposed of by the first respondent within a stipulated time. Learned counsel for the respondents submitted that she has no objection in adopting such a recourse.

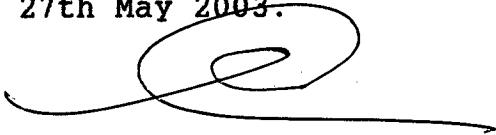
4. Considering the calculation of roster hours, rate, period etc. involved in this case and the factual matters, the Court is of the view that to meet the ends of justice, this measure will be effective. Therefore, the submissions of the counsel is accepted and this Court directs the 1st respondent to consider and dispose of A-5 representation with due application of mind in the light of the other extant rules, guidelines and instructions on the subject and with reference to the OTA Bills of the applicants for the said period and pass appropriate orders.



5. Under the conspectus of facts and circumstances, the 1st respondent is directed to dispose of the representation A-5 with due application of mind and in accordance with the rules and if necessary, the 1st applicant may be made available for personal hearing and pass appropriate orders with copy to the first applicant who agreed to represent all the other applicants, as expeditiously as possible, in any case, within 2 months from the date of receipt of a copy of this order.

6. From the above, the O.A. is disposed of with no order as to costs.

Dated the 27th May 2003.


K.V. SACHIDANANDAN
JUDICIAL MEMBER

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