

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. No.213/97

Thursday, the 12th day of June, 1997.

CORAM:

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

HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

K.Karunakaran Nair,  
Ambulance Van Driver,  
residing at Sree Bhavan,  
XVII/1228/1,  
Vivekananda Nagar,  
Pangode,Thirumala P.O.  
Trivandrum.

.. Applicant

(By Advocate Mr.Sabu Francis)

vs.

1. The Divisional Railway Manager,  
Southern Railway,  
Trivandrum.
2. The Divisional Personnel Officer,  
Southern Railway,  
Trivandrum-14.
3. The General Manager,  
Southern Railway,  
Madras Zone, Madras.
4. The Union of India represented by  
the Secretary to the Government,  
Ministry of Railway,  
New Delhi.

.. Respondents

(By Advocate Mr.K.V.Sachidanandan (rep.)

The Application having been heard on 12.6.97, the Tribunal on the same day delivered the following:

O R D E R

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

The applicant who is an Ambulance Van Driver under the first respondent has filed the application praying for the following reliefs:

" i) to issue appropriate order directing the respondents to re-classify the duty roster of of applicant from Essentially Intermittent to 'Continuous',

ii) to issue appropriate order directing the

respondents to pay the Over Time Payment of 12 hours per week from 12.2.93 to the actual date of change of the roster to the applicant;

iii) to grant such other reliefs as may be prayed for and the Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case;

and

iv) to award cost of the application."

2. The background in which the application came to be filed can be stated thus: When the applicant was employed as Van Driver in the Administration Department he was to work for 48 hours a week and his post was classified as 'Continuous'. In 1992 he was transferred to the Medical Department as Ambulance Van Driver. This post was classified as 'Essentially Intermittent' with 60 hours of work per week. This classification was made in 1986. The hospital has grown and consequently the work has increased. There is justification for the reclassification of the post of Van Driver(Ambulance) as 'Continuous', according to the applicant. He and other Van Drivers have been making representations, but without any success. The representation made to the Regional Labour Commissioner also has not been considered and disposed of. As a result of the inaction of the authorities, the applicant is deprived of the Overtime allowance which he is entitled to get from February 1993 onwards, claims the applicant. It is under these circumstances with the above allegations that the applicant has filed this application.

3. Though the respondents in their reply have raised various contentions, they have in para 5 of the reply stated that a Committee has been constituted for job analysis for the purpose of reclassification of posts and that the claim of the Ambulance Van Drivers is also under consideration of the respondents.

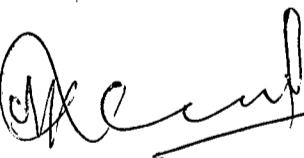
4. We have heard the learned counsel . The claim of the applicant for payment of Overtime from 12.2.93 cannot be considered, because only if the post of Ambulance Van Driver is reclassified, the benefit on that basis would be available to the applicant. If the post is reclassified, thereafter alone, the Overtime allowance on that basis would become payable. However, there is no basis for the claim of the applicant.

5. Regarding the prayer for reclassification of the post, the respondent has stated that the matter is under consideration. In the circumstances, we feel that the interest of justice will be met if the respondents are directed to have the work study held and a decision is taken in regard to the claim of the applicant for reclassification within a reasonable time.

6. In the result, the application is disposed of with a direction to respondents to take a decision regarding the claim of the Ambulance Van Drivers for reclassification as 'Continuous' after necessary work study and to communicate a speaking order in this regard to the applicant within a period of four months from the date of receipt of a copy of this order. No costs.

Dated the 12th June, 1997.

  
P.V. VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

  
A.V. HARIDASAN  
VICE CHAIRMAN