

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.355/93

DATE OF DECISION : 20.07.1993

1. P.C.Varghese, Head  
Light Keeper, Manakkodam  
Light House, Pattanakad,  
Cherthala.  
(Gen. Secretary, Central  
Light House Staff Assn.)
2. G.Satyadevan, Assistant  
Light Keeper,  
-do-
3. M. Ramankutty, Light  
House Attender,  
-do-

Mr. M.K.Damodaran .. Advocate for applicants

V/s

1. Director General,  
Dept. of Light Houses & Light  
Ships, Min. of Surface  
Transport, New Delhi.
2. The Director, Dept. of  
Light House & Light Ships,  
Narakathara Road, Kochi-3.
3. Union of India, represented by the  
Secretary, Min. of Shipping  
and Transport, New Delhi. .. Respondents.

Mr.T.K.Venugopalan, ACGSC .. Advocate for respondents

CORAM :

The Hon'ble Mr. N.Dharmadan, Judicial Member.

JUDGEMENT

MR. N.DHARMADAN, JUDICIAL MEMBER

Applicants are working as Head Light Keeper, Assistant Light Keeper and Light House Attender respectively under the 1st respondent. They are aggrieved by the denial of overtime allowances as per Annexure-III order dated 19th March, 1991. They also pray that appropriate directions may

be issued to the respondents to appoint additional staff as indicated in Annexure-I judgment.

2. Earlier T.A.K.479/87 was filed by the Association of Light House Employees. This Tribunal passed Annexure-I judgment with the following directions:-

"8. In the letter of the Director, Department of Light Houses and Light Ships, Cochin dated 11.1.88 referred to earlier, it is stated that further continuance of the grant of consolidated overtime allowance beyond 11.12.87 is under consideration of the Government. I do hope during such consideration Govt. will give due weight to the recommendations of the Fourth Pay Commission referred to above, and the necessary staff consistent with the requirement of work in the various lighthouses and navigational aids will be provided expeditiously. The Directive Principle of the State Policy adverted to earlier mandates the Govt. to do so. At the same time, I would add that the consolidated overtime allowance that is now being allowed shall not be discontinued till necessary staff is appointed. The respondents are directed to take a decision on this question at the earliest, for it relates to an issue which has been pending for about a decade. In any event, the decision shall be taken within a period of two months from the date of receipt of a copy of this order."

Thereafter, when a contempt petition was filed, Annexure-II judgment was passed disposing of the same with the following clarifications:-

"3. By the final order, it was directed that the consolidated overtime allowance that is now being paid to the Light House Staff, shall not be discontinued till necessary staff is appointed. The respondents were also directed to take a decision on the question of the appointment of additional staff at the earliest, within a period of two months."

Subsequently, Annexure-III O.M. dated 19.3.91 was issued fixing the overtime allowance on hourly basis. Since the overtime allowance was not paid to the applicants in terms of the observations in Annexures-I & II judgments, the 1st applicant filed Annexure-V representation before the Chairman. Pending consideration of the said representation, this application has been filed under Section 19 of the Administrative Tribunals Act for the reliefs mentioned above.

3. In the reply statement, the respondents have explained the details regarding the payment of overtime allowances and the hours of work available in the Light House. It was also stated in the reply that recently the Government has sanctioned additional posts of Lightkeepers as per letters of Ministry dated 17.2.92 and 28.1.93. The department has been making payment of overtime allowances to the applicants from 1.6.1979 till 31.12.92 without any break. The allowances were granted as compensation for extra hours of duty performed on working days, Sundays and holidays. But the payment of overtime allowance has been stopped with effect from 1.1.93 with the creation of additional posts so that the staff can avail weekly off and holidays. Therefore, they are not entitled to overtime allowance with effect from 1.1.93.

4. The learned counsel for the applicants submitted that even though additional posts were sanctioned no appointment was effected. Annexure-II judgment makes it very clear that the applicants are entitled to consolidated overtime allowance and it may be discontinued only after appointing the necessary staff. No such appointment was made in the Light House even though additional staff has been sanctioned from 1.1.93. He further submitted that after Annexure-III the applicants are entitled to hourly overtime allowance which has not been given to the applicants so far. Even if hourly overtime allowance is not granted, they are eligible for consolidated overtime allowance as clearly stated by this Tribunal in Annexure-I judgment as clarified by Annexure-II.

5. In the light of the available evidence, it is not possible for me to decide at this stage as to what is the rate of overtime allowance applicable to the applicants. But, it is made clear in Annexures-I & II judgments of this Tribunal that the applicants are entitled to overtime allowance till necessary appointment of staff is made by the respondents. No document is produced before me to satisfy that such appointment has been made even though posts have been sanctioned by the authority, to pass appropriate order. I am not going to the merits of the contentions at this stage particularly when Annexure-V representation has been filed by the 1st applicant before the Chairman and it is pending. It has also been brought to my notice that the question of payment of consolidated overtime allowance has been taken up with the Ministry of Finance and the Ministry of Finance has not yet cleared the papers. Hence, I am of the view that the application can be disposed of at this stage with appropriate directions. Applicants may jointly file a detailed representation before the 1st respondent within a period of two weeks from the date of receipt of a copy of the judgment. If such a representation is received by the 1st respondent, he shall consider and dispose of the same in accordance with law within a period of two months from the date of receipt of the representation, if necessary after getting clearance from Ministry.

6. The application is disposed of with the above said directions. There will be no order as to costs.

  
20.7.93  
( N. DHARMADAN )  
JUDICIAL MEMBER  
20.07.1993

LIST OF ANNEXURES:

1. Annexure-III .. True copy of office memorandum dated 19.3.91.
2. Annexure-I .. True copy of the judgment dated 8.3.88 in TAK 479/87 of CAT, Madras Bench.
3. Annexure-II .. True copy of order in CCP 1/89 in TAK 479/87 dt. 26.7.89.
4. Annexure-V .. True copy of representation dated 17.12.91.

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