

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

Lucknow this the 06th day of May, 99.

O.A. No. 341/91

HON. MR. D.C. VERMA, MEMBER(J)

HON. MR. A.K. MISRA, MEMBER(A)

1. Dharam Deo Singh Chauhan son of Janki Singh Chauhan posted as Chaukidar at Chandganj, N.S.C. Branch Lucknow.

2. Nanhe Lal son of Sumer Lal posted as Chaukidar at Account current and G.P.F. office New Hyderabad Lucknow.

3. Suresh Chandra son of Shri ORI Lal posted as Chaukidar at Chandganj, N.S.C. branch Lucknow.

Applicants.

By Advocate Shri G. Rabbani, Brief Holder for Shri Raza Zaheer.

versus

1. Union of India through Director General Post and Telegraph, Dak Tar Bhawan New Delhi.

2. Director of Postal Accounts, U.P. Circle Aminabad Lucknow.

3. Chief Post Master General U.P. Circle Lucknow.

Respondents.

By Advocate Dr. Dinesh Chandra.

O R D E R

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By this O.A. the applicants have claimed overtime allowance for working more than 8 hours a day.

2. Admittedly, the three applicants are Chaukidars. They have been working for 12 hours a day. Their claim is that as per rules they are required to work 8 hours a day only and therefore, for the extra hours, the applicants have worked, overtime allowance be paid to them



and the respondents be further directed to take work for 8 hours a day.

3. The respondents' case is that the Chaukidars are, as per departmental circular, to perform the duty 12 hours per day, in accordance with principles applicable to all Central Government offices in the country and laid down in the O.M. dated 31.12.79 issued by the Department of Personnel and Training, Govt. of India.

4. Heard the counsel for the parties. The learned counsel for the applicants/^s has placed reliance on Anneuxre-11 dated 31.5.90/1.6.90 wherein it is mentioned that duty hours of Chowkidars employed in Postal Accounts Office should normally be 8 hours.

5. For the issue involved in the case, we are to examine various circulars issued by the Department. A reading of Annexure-7 dated 26.9.82 shows that prior to this office order, the duty of Chaukidars was governed by office order No. 64 dated 6.7.82 which provided performing of 12 hours duty a day by each chaukidar. By office order dated 26.9.82(Annexure-7), office order dated 6.7.82 was cancelled and Chaukidars were to perform 8 hours a day. However, duty hours of Chaukidars were examined at the level of Director General and it was decided vide communication dated 18.6.83 (Annexure R-4 to the C.A.) that Chaukidars employed to keep a general watch over buildings at night which are locked and secured may be given 12 hours as no strain would be involved. However, ^{the} in offices which are opened all the 24 hours where there is need to check public staff or stores moving in/out, the duties of Chaukidars when employed, will be 8 hours as mental and physical strain would be involved.

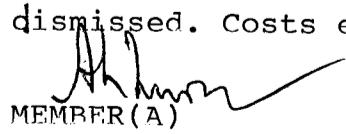
6. the learned counsel for the respondents has submitted that Annexure -11 dated 31.5.90/1.6.90 relied on by the learned counsel for the applicant was superseded by Annexure R-2 dated 5.11.90. The learned counsel has further submitted that after the letter dated 31.5.90/1.6.90(Annexure-11) was issued, a clarification was sought vide Annexure 5 dated 30.7.90 (to the Supplementary Counter Affidavit) and reminder thereto was sent vide letter dated 10.9.90. This was replied by the respondents vide Annexure R-2 (to the Counter affidavit) which reiterates the guidelines given in the Directorate's letters dated 28.6.83(sic 18.6.83). A copy of the guidelines dated 18.6.83 ~~Annexure R-4~~ which has been referred to in the earlier part of this order, According to Annexure R-4, the Chaukidars employed to keep general watch over buildings at night which are locked and secured, may be given 12 hours duty a day as it does not involve strain.

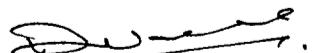
7. A reading of Annexure R-2 ~~and~~ Annexure 5 and Annexure 6 shows that Annexure 11 to the O.A. was superseded by the department and the duty hours of Chaukidars was to be fixed in accordance with the Director General's office order dated 18.6.83 (Annexure R-4). Even prior to 31.5.90/1.6.90 (Annexure-11), an order issued from the Director, Postal Accounts, Annexure R-7 dated 28.1.89 was sent to all the concerned offices that the duty hours of chaukidars attached through offices would be 12 hours per day with immediate effect. Thus, though the Annexure R-2 dated 5.11.90 finally rejected and superseded the order dated 31.5.90/1.6.90 was issued by the Ministry of Communication, ^{but} Department of Posts, office order issued by office

of Director, Postal Accounts, dated 28.11.89 had fixed the duty hours of Chaukidars ^{at} 12 hours per day. The Director Postal Accounts in his communication dated 21.6.90 to the Director General Posts ^{had} informed that his office being an Administrative Office, is secured and remained locked in the night and requires no physical and mental strain from the Chaukidar for keeping a general watch over the office buildings. Thus, office of the Postal Accounts, fell within the first category of offices where Chaukidars are to keep general watch over buildings which are locked and secured at night. In the office order dated 18.6.83, it is also mentioned that Head of Circle should fix the duty hours of Chaukidars, in view of the instructions contained in the department of Personnel Office Memorandum dated 31.12.79.

8. In view of the discussions made above, it is clear from Annexure R-1 communication issued by the Director of Postal Accounts, i.e. offices are secured and remain locked in the night and required no physical and mental strain for Chaukidars who are only required to keep general watch over the office buildings. Accordingly, the duty hours of applicants who are admittedly employed in the office of Postal Accounts would be 12 hours a day and not 8 hours as claimed. The applicants are therefore, not entitled to any overtime allowance for working 12 hours a day.

9. In view of the discussions made above, we find no merit in the O.A. The O.A. is therefore, dismissed. Costs easy.


MEMBER (A)


MEMBER (J)

Lucknow; Dated: 06.5.99

Shakeel/