

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW CIRCUIT BENCH

Registration T.A.No. 681 of 1987(L)
(W.P.No. 1978 of 1980)

Sultan Ahmad & othersPetitioners

Versus

Union of India & othersRespondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. A.B. Gorthi, Member (A)).

87-2140 11/11

Sultan Ahmad, Kamla Prasad Tiwari and
Bramha Dutt Pandey filed a Writ Petition numbered
as 1978/80 in the Lucknow Bench of the High Court
of Judicature at Allahabad claiming overtime all-
owance on the ground that as Cabinmen at Gola
Gokaramnath Railway Station of Northern Eastern
Railway, they were performing duties for 12 hours
a day. The said writ petition, on being transferred
to this Tribunal under Section 29 of the Adminis-
trative Tribunals Act, 1985 is before us. Petitioner
no. 2 Kamla Prasad Tiwari died in 1987 and for certain

(2)

other reasons claim on behalf of petitioner no.3 also has not been pressed before us. The petition is therefore being considered in respect of Sultan Ahmad only.

2. The short point involved in this case is whether the petitioner was entitled to any overtime allowance while working as cabinman. His tenure or duty admittedly was for 12 hours a day. The petitioner's case is that he had performed duty for 12 hours continuously and that the nature of duty was intensive as defined in "Hours of Employment Rules". Several representations made by him from time to time went unheeded. Even a recommendation made by the Labour Enforcement Officer, Lucknow for classifying the duty of Cabinman at Gola Gokarannath Railway Station as "continuous" instead of "Essentially Intermittent" was not acceded to by the respondents who held on to the view that the nature of duty being essentially intermittent only, there was no justification for the petitioner to claim overtime allowance.

3. In a Supplementary reply, the respondents have now stated that a factual job analysis was done for 72 hours jointly by the representatives of Personnel, Operating and Accounts Department from 8.3.86 to 11.3.86 and it was found that the classification of the nature of duty of the cabinman at Gola Gokarannath Railway Station should be changed from "Essentially Intermittent" to "

(3)

"Continuous". Consequently, the respondents have paid to the petitioner no. 1 the overtime allowance of Rs. 36,121/- for the period 16.3.86 to 24.9.90. The factual job analysis carried out indicated the nature of the work of cabinman as "continuous". There is therefore, no justification why the respondents should not have paid the petitioner overtime allowance from September, 1976 onwards. As the nature of duty remained the same ever since, the factual job analysis carried out by the three Member Committee merely ~~considered~~ confirmed that the claim of the petitioner for overtime allowance was fully ~~justified~~ justified. Under these circumstances, the petitioner no. 1 is entitled to overtime allowance for the period commencing from September, 1976. The exact amount however will have to be calculated by the respondents after verification of all the factual details of the overtime duty performed by the petitioner.

6. The petition is allowed and the respondents are directed to grant overtime allowance to Sultan Ahmad petitioner no. 1 w.e.f. September, 1976 after working out the full details of the overtime allowance earned by the petitioner in accordance with the extent ~~xx~~ rules. There will be no order as to costs.

Sd/-
Member ((A)

Sd/-
Vice Chairman

Dated the 19 Sept. 1991.

Time copy
Dated
13 N
2/12/91