

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

D.A. NO

199 (L)

T.A. NO

II 80/87

Connected with.

T-A-1205/87

Date of Decision 15-9-92

Mazir Ahmed

Petitioner.

Smt. Shrivastava

Advocate for the
Petitioner(s)

VERSUS

The Chief Engineer (N.E) A.P. Respondent.

Sri Umesh Chandra

Advocate for the
Respondents

CORAM

The Hon'ble Mr. JUSTICE U.C. Srivastava, V.C.

The Hon'ble Mr. K. Obayya, A.M.

1. Whether reporter of local papers may be allowed to see the Judgment. ?
2. To be referred to the reporter or not ?
3. Whether to be circulated to other benches ?
4. Whether to be their Lordships wish to see the fair copy of the Judgment. ?

✓
VICE-CHAIRMAN/MEMBER

(13)

(AU)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH LUCKNOW

T.A. No. 1180 of 1987.

Nazir Ahmad & othersApplicants.

Versus

The Chief Engineer, N.E.Railway & others..Respondents

Connected with

T.A. No. 1205 of 1987

Pudden & anotherApplicant.

Versus

Railway Board through General Manager..Respondents
and others.....

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

Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. Justice U.C.Srivastava, V.C.)

These are transferred cases under section 29
of the Administrative Tribunals Act.

2. The applicants filed writ petition before the High Court praying that a writ of certiorari be issued to the respondents that Annexure-I to the writ petition i.e. requiring the applicants to refund the amount in view of the over payment made to them, may be quashed. They have further prayed that a mandamus be issued to the opp. parties/respondents not to make deductions from the salary of the applicants in respect of the period in question.

3. The case of the applicants is that they have put in actual duty of 72 hours in a week on the site and as such they were entitled to extra duty allowances and that has been paid to them and as such provisions of R.L.T.69 are not attracted.

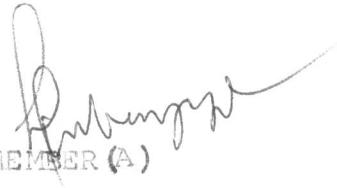
4. The respondents in their counter affidavit

have pointed out that the applicants are regular and permanent employees posted at roadside Station and classed as 'Essentially Intermittent'. Class (E.I) under H.O.E.R and under rules they were required to perform 12 hours daily duty or 72 hours a week in their ordinary course of service under 'Hours of Employment Regulation, 1961' and with the acceptance of Railway Labour Tribunal, 1969 (Miyan Bhai Award), a new concept of rostering has been introduced in which the rostered hours as well as the rate of overtime allowance payable to the staff in excess of the rostered hours has been changed w.e.f. 1.8.74. Under the new scheme circulated by General Manager (P), North Eastern Railway Gerahpur vide letter dated 2.8.79, the RLT award provides the classification of Trolley-man, Chowkidar and some of the Gateman in essentially intermittent (EI) category and according to which they are required to do 10 hours duty at junction Stations and at these Road Side Stations, where accommodation has been provided at a distance of more than 0.5 kms. from place of duty and at the Roadside Stations where accommodation to the staff has been provided within 0.5 kms. of their place of duty, the duty hours shall be 12 hours a day or 72 hours per week. Before the years 1979 or 1980, the applicants were never paid any overtime allowances as they never worked overtime as alleged but due to some clerical mistake and due to some miscalculation, the overtime payments for the years 1974 to 1976 were erroneously paid to the applicants and when this error was detected, the amount is being realised from the applicants.

5. Similar matter came before us for consideration

in 'Ganga Ram Vs. The Union of India & others'
(T.A.No.1019/87), decided on 4.5.92 in which we
have agreed with the pleas which have been taken by
the Railway Administration that the applicants were
not entitled for overtime allowances as their duty
hours never exceeded. Accordingly, this application
deserves to be dismissed and it is dismissed. No
order as to costs.

Let a copy of this judgment be placed on the file
of T.A.No.1205 of 1987.


MEMBER (A)


VICE CHAIRMAN.

DATED: SEPTEMBER 15, 1992

(uq)