

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH, LUCKNOW

Original Application No. 362 of 1992

Versus

1. Union of India, through Secretary, Posts & Telegraph, Govt. of India, New Delhi.
2. Superintendent of Posts New Haiderabad, Lucknow.
3. Sub-Post Master,
Sub-Post Office, Dilkusha, Lucknow.

Hon'ble Mr. S.N. Prasad, Member (Judicial)

The applicant has approached this tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer for directing the respondents to pay the overtime for the period from June 1987 to September 1987 for which the applicant has worked as Chaukidar, and for directing the respondents to treat the applicant as clerk Group 'D' w.e.f. 1977-78 and to say all the consequential benefits arising therefrom to the applicant.

2. The main grievance of the applicant appears to be as mentioned in the application that applicant was appointed on the post of Packer in Sub-Post Office Dilkusha, Lucknow w.e.f. 14 May 1963; and the applicant was also required by the respondent no. 3 to discharge the duties of a Chaukidar during the night. Though the applicant was posted against the post of Packer, but the respondent no. 3 assured the applicant that for the work done by the applicant as ^{~ a ~} Chaukidar, he would be compensated by way of payment to him as over time allowances. Though, the applicant was used to discharge his regular duties

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of the post of packer and also worked as Chaukidar during the night, and as such the applicant was compelled to serve for all the 24 hours. It has further been stated that initially the respondent No. 3 paid overtime allowance to the applicant for discharging the duty of Chaukidar besides the duties of packer, but subsequently withheld the overtime allowance for the months of June, July, August and September, 1987, for which the applicant made representations but no avail. It is also stated that the applicant had reliably learnt that he was selected for the post of Clerk but despite his representation to this effect, his grievance has not been redressed.

3. I have heard the learned counsel for the applicant and have perused the papers.

4. The learned counsel for the applicant has urged while advertine to the contents of the application and the papers annexed thereto that representations of the applicant dated 2.5.1989 (annexure-2) and representation dated 23.11.1991 (Annexure-7) are still lying undecided, and has further urged that if the same are decided by the respondents No. 2, Superintendent of Posts, New Hyderabad, Lucknow at an early date, the same may go upto great extent in substantially redressing to the grievance of the applicant.

5. Having considered all the view points and all the aspects of the matter, I find it expedient that the ends of justice would be met if the respondent no. 2, Superintendent of Posts, New Hyderabad, Lucknow is directed to decide the above representations of the

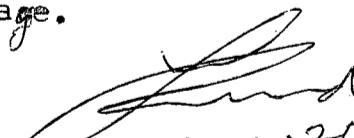
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applicant dated 2.5.1989 (copy whereof is annexure-2) and representation of the applicant dated 23.11.1991 (copy whereof is annexure-7) by reasoned and speaking order in accordance with extant rules, regulations and orders of the authorities concerned in this regard; and ~~the addressees~~ to redress the grievance of the applicant for which the applicant is found entitled, within a period of three months from the date of receipt of the copy of this order, and I order accordingly.

It is made clear, that in case the above representations of the applicant dated 2.5.1989 and 23.11.1991 (annexure 2 and 7) are not readily available with the respondent no. 2 (Superintendent of Posts, New Hyderabad, Lucknow) then in that case the applicant shall furnish a copy thereof to the respondent no. 2 within a period of 15 days from the date of receipt of the copy of this order to enable the respondent no. 2 (Superintendent of Posts, New Hyderabad, Lucknow) to decide the above representations within aforesaid specified period of time.

6. The application of the applicant is disposed of as above at admission stage.


Member (J) 25.8.92

Lucknow Dated 25.8.1992.

(RKA)