

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 14/88

XXXXXXXXXXXXXX

DATE OF DECISION 23.11.1993

Shri Jadu Nandan Singh Petitioner

Shri B.Ranganathan Advocate for the Petitioners

Versus

Union of India & Ors. Respondent

Sh.A.I.Bhatkar for Sh.M.I.Sethna Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice M.S.Deshpande, Vice Chairman

The Hon'ble Shri M.Y.Priolkar, Member (A)

1. whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not ? NO
3. whether their Lordships ish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal ? NO

(M.Y.PRIOLKAR)
MEMBER (A)


(M.S.DESHPANDE)
VICE CHAIRMAN

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

(10)

OA. NO. 14/88

Shri Jadu Nandan Singh

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice M.S.Deshpande
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri B.Ranganathan
Advocate
for the Applicant

Shri A.I.Bhatkar
for Shri M.I.Sethna
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 23.11.1993

(PER: M.S.Deshpande, Vice Chairman)

The applicant who is a Chowkidar employed with Telecommunication Department pressed for being paid overtime wages for the extra four hours duty performed by him in excess of eight hours w.e.f. 18.6.1983 under the instructions issued by the Telecom Department.

2. The applicant is employed as a Chowkidar and has been given 12 hours duty at the Re-peater Station of the Department of Telecommunication at Pachora. According to him, under the instructions issued by the Government on 18.6.1983, he should have been placed in Category (iv) which is as follows:-

"In certain stores/cable dumps, Chowkidars who are required to go round constantly to keep proper vigil on stores on custody may be allotted 8 hours of duty taking into account the physical strain involved. In cases where Chowkidars employed on dual duties of looking after stores/office and the dumps in the vicinity may be given 8 hours of duty."

Item (i) refers to :

"Chowkidars employed to keep a general watch over buildings at night which are locked and secured may be given 12 hours only as no strain would be involved."

It is apparent from clauses (ii) and (iii) of the Circular that a distinction has been made in the categories of Chowkidars, who all belonged to non-test category, depending on mental and physical strain that would be involved and the assistance they may be required to render in taking out and checking the stores.

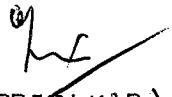
3. According to the applicant he has to perform several duties including answering telephone calls, looking after the stores which is dumped in the open space and keep an over night vigil on the building, and that at places like Thane and Calcutta, the duty hours of the Chowkidar are restricted to 8 hours only though they perform similar functions. The respondents have denied this position by their written statement while the applicant has reiterated what he has stated in the application in the rejoinder that has been filed. The applicant has also filed an affidavit on 6.4.1993 setting out the duties he has to perform and the averments in the affidavit have been denied by the respondents.

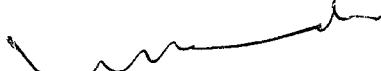
4. We find that there is no adequate material for comparing the jobs which have been performed at Thane and Calcutta which are big cities and therefore may have a heavier workload, whereas Pachora is a small Taluka place where the work might be less and may not involve as much physical strain as in the big cities. The exact duties which have been performed by the Chowkidars at Thane and Calcutta have not been placed before us by the applicant for enabling us to ascertain whether his case is similar



to the Chowkidars appointed at those places. With regard to the submission that when a reliever is to be appointed for the applicant, the reliever is given 8 hours duty, the respondents have pointed out that the reliever is only a casual labourer who is employed only for a short-while, while the applicant belongs to a category of permanent employees and that his hours of duty cannot be compared to those of casual labourer. Since no material is placed before us to show that the work which has been carried out by the applicant involves such physical and mental strain within the purview of Circular dated 18.6.1993 which would require the department to reduce his hours of work to 8 hours because for the physical and mental strain involved. We find that the relief claimed by the applicant cannot be granted to him.

5. We see no merit in the application. It is dismissed.


(M.Y. PRIOLKAR)
MEMBER (A)


(M.S. DESHPANDE)
VICE CHAIRMAN

mrj.