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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 163
T.A. No.

1988

DATE OF DECISION 13-11-91

Dhansingh Kantarsingh Petitioner

Sri N. Budhe. Advocate for the Petitioner(s)

Versus

G.O.I & others Respondent

Sri S.V. Nuth Advocate for the Respondent(s)

CORAM By Hon'ble Mr. Justice V.C. Srivastava, V.C.

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

The Hon'ble Mr. M.Y. Pradkar, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *N*
2. To be referred to the Reporter or not ? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal ? *N*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
CIRCUIT BENCH : NAGPUR

Registration O.A. No. 163 of 1988

Dhansingh Kantasingh Applicant

Vs.

Union of India & Others Respondents

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

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

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

The applicant who was a Watchman in the office of the Director, Small Scale Institute approached this Tribunal for the ex-facto grant of overtime allowance admissible as per the rules applicable in the other Central Government Ministries, and further prayed that the duty hours are to be reduced to 8 hours per day with immediate effect and he had prayed certain other rules also. During the pendency of the application the applicant had retired, and that is why the learned counsel prayed that written relief be confined for & night overtime/allowance admissible as per rules. The applicant has stated that of course he was required to work 12 hours per day instead of 8 hours and as such he was entitled to compensated for 4 hours more working as is done in the various other departments of the Central Government including Geological Survey of India.

2. The respondents have opposed the application and contended that the applicant had no right to claim overtime allowance as this has been practice of the department from the very beginning and the applicant has not been able to point out the single instant when those who work like him prior to his

Registration No. 108 of 1988

Respondent Applicant

vs.

Union of India & Others Respondents

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

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

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

The applicant who was a woman in the office of the Director, Small Scale Institute approached this Tribunal for the ex-licet grant of overtime allowance admissible as per the rules applicable in the other Central Government Ministries, and further prayed that the duty hours are to be reduced to 8 hours per day with immediate effect and he had prayed certain other rules also. During the pendency of the application the applicant had retired, and that is why the learned counsel prayed that written relief be confined for overtime/allowance admissible as per rules. The applicant has stated that otherwise he was required to work 12 hours per day instead of 8 hours and as such he was entitled to compensated for 4 hours more working as is done in the various other departments of the Central Government including Geological Survey of India.

2. The respondents have opposed the application and contended that the applicant has no right to claim overtime allowance as this has been practice of the department from the very beginning and the applicant has not been able to point out the single instance from those who work like him prior to his

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retirement and subsequent to his retirement were paid this allowance.

3. The learned counsel further stated that by way of concession the applicant has been granted the overtime allowance from the date of filing of this application upto the date of his superannuation.

4. In view of this statement learned counsel for the applicant contended that the respondents have thus recognised this claim of the overtime allowance for a particular period, and has given the said allowance. There is no reason why the said allowance may not be granted from the date he claims it. As has been stated earlier that the said allowance has been granted by way of concession. In case the respondents feel that the applicant had worked faithfully and loyely, it is for the respondents even now to consider his claim to give overtime allowance from the period he is claiming or even thereafter. The applicant can approach the department ^{again} with this prayer and it appears that there is no reason why this prayer will not be considered unless notwithstanding with the facts that his earlier representation has been rejected. With the above observation the application is disposed of.


Member (A)


Vice-Chairman.

13th November, 1991, Nagpur.

(sph)