

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 130/89

~~T.A. No.~~

198

DATE OF DECISION 16.10.1991

The Western Railway Employee Union, Bombay Petitioner

Shri M.S. Ramamurthy, Advocate for the Petitioner(s)

Versus

The Union of India & Respondent

Mr. N.K. Srinivasan Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.Y. PRIOLKAR, MEMBER (A)

The Hon'ble Mr.

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



(13)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

ORIGINAL APPLICATION NO. 130/89

Western Rail Employees Union
Bombay

....Applicants

V/s

The Union of India.

.... Respondent

CORAM : HON'BLE SHRI M.Y.PRIOLKAR, MEMBER (A)

Appearance :

Mr.M.S.Ramamurthy, adv,
for the applicant.

Mr.N.K.Srinivasan, Adv
for the respondents

ORAL JUDGEMENT

DATED: 16.10.1991

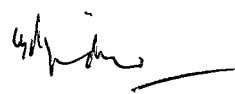
(PER : M.Y.PRIOLKAR, M/A)

This application has been filed by a recognised Union of Employees in Class III and Class IV working on pantry cars departmentally run in Trains on Western Railways. The Grievance of the applicants is that from the month of October 1988 there were overtime claims duly certified which had been forwarded to the Railway Administration, but the said overtime is not paid to them without any justification. It appears that the respondent No.3 raised certain objections as to why all these employees were asked to do overtime. But it is not in dispute that these employees have actually worked overtime and this has been certified by the competent authority.

2. Mr.Srinivasan, learned counsel for the respondents, stated that the respondents have already taken a decision to accept the claim for overtime of these employees, and that the payment of the pending overtime bills has also been arranged. however, He was/not able to indicate the exact date on which the payment has been made or will be made. Since the grievance of the

applicants has thus been met by the Railway Administration's ~~is~~ decision to make payment of overtime, this application can be disposed of by giving a direction to the respondents to ensure that the overtime claims, which are not in dispute, of the applicants are actually settled latest by 31st October 1991, if the payment has still not been made. The learned counsel for the applicants however prayed for interest on ~~this~~ delayed payment.

3. As already stated above, the reason for the delay is that certain objections were raised by the respondent No.3 as to the justification for placing such large number of employees on overtime and also subsequently because of the fact that on account of change in timings of several trains and introduction of new trains and ~~extension~~ of trains on the Delhi lines, duty roster of catering staff could not be finalised, for a considerably long time. The revised duty roster could be finalised only in the month of November 1989. The concerned staff were eligible for over time only if their ~~claims~~ were found to be admissible according to such revised roster. In my view, therefore, the period of about 4 months has to be allowed after the roster was finalised as the period required for submission of the claims and verification of the claims with reference to the original records, since the claims are in respect of a period of two years ~~more~~ or more. In the circumstances, I feel that the interest should be granted only for the period from first April 1990 to the date of actual payment. The respondents are directed to make payment of interest to the applicants for delay in payment of overtime at simple interest at 12 % on the above basis. With these directions this application is disposed of finally, with no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)