

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD
 Wednesday the twenty sixth DAY OF April
 ONE THOUSAND NINE HUNDRED AND EIGHTY NINE

: PRESENT :

THE HON'BLE MR. BN. JAYA SIMHA : VICE-CHAIRMAN

AND

THE HON'BLE MR. D. SURYA RAO : MEMBER (JUDL.)

Review Application No. 70/88 in

ORIGINAL APPLICATION NO. 325 OF 1987

BETWEEN:-

Vide E.B.

...Applicants

AND

1. Union of India, Rep. by
 the Secretary, Ministry of Defence,
 New Delhi

2. The Chief of Naval Staff,
 Naval Head Quarters,
 New Delhi

3. The Flag Officer,
 Commanding in chief,
 Head Quarters,
 Eastern Naval Command,
 Visakhapatnam.

...Respondents

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REVIEW APPLICATION NO. 70 / 1988

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ORIGINAL APPLN. NO. 325 OF 1987.

This is an application for review of my orders dated 3-11-1988 in Original Application No. 325 / 1987.

2. It is contended in the review application that in the judgment dated 3-11-1988 in para 6, "(ii) that it is nowhere seen in the application the applicants contend that they have been paid overtime at a lower rate, that there is no representation or request made by the applicants to the authorities concerned," whereas in para 6(iv) of the application, the applicants had specifically stated that even though they were working 48 hours a week, they were not paid overtime allowance at double the rate, bonus and other benefits. It is also stated in the review application that the Association had made a representation in April, 1984 to the authorities concerned for grant of overtime allowance. It is, therefore, stated in the review application that the observations in the judgement are contrary to the facts warranting review of my judgement dated 3-11-1988.

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3. I have heard Shri K. T. Jayant, learned counsel for the applicants and Shri P. Ramakrishna Raju, learned standing counsel for the respondents. Shri Jayant states that the applicants were made to work over-time until the order was issued on 21-10-1986 and that the applicants are entitled to overtime allowance according to the rules upto that date whereafter the hours of work were regularised in accordance with the Memo. dated 21-10-1986. Shri Jayant also states that ~~although~~ the overtime allowance is calculated by the department and itself, ~~and~~ it is paid according to the over-time hours different put in by ~~the~~ applicants and, therefore, the question of applicants making any representation individually didnot arise. He, therefore, states that the Tribunal should direct the respondents to pay over-time allowance according to the hours of work done by individual applicants upto 21-10-1986. Shri Ramakrishna Raju, learned standing counsel for the respondents states that in para 11 of the counter, it is mentioned as follows

"Since the MT Drivers were not sanctioned in the complement of INS Circars under the head 'maintenance staff', they could not be ~~be~~ included in the transport workshop while registering it as a factory. However, on persistent requests from the concerned MT Drivers and their association, the matter was taken up with Naval Headquarters requesting them

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(Signature)

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to obtain an amendment to the Government sanction of the complement and include the MT drivers under the category 'Maintenance Staff' vide this Headquarters letter CE/4533 dated 09-Sept.'86 (copy at Annexure A-6 of the application). Naval Headquarters have since clarified that the MT Drivers of INS Circars have to observe Non-Industrial Working hours only as per NO(Civ)/1/68 (extract of Naval Headquarters letter CP(P) 2080 dated 03 Mar'87 at enclosure 7 to this counter affidavit."

He, therefore, states that only a few of the applicants might have been utilised by INS Circars and that the claim of the applicants for over-time allowance have any work done by them from 1983 is time-barred.

He further states that the observation made in the Judgment in Para 6 (ii) is not an error in as much as no individual representations have been made by the applicants in regard to the payment of overtime for any period they might have worked over-time. This is an individual claim to be made by the respective individuals and the association can only make a general representation and could not have made representations in regard to individual allowances to be paid. Even in the letter Dated Nil/April, 1984 (Annexure A-3 of the Main application) from the President of the

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Association addressed to the Flag Officer, Visakha-patnam, only a reference if at all to the over-time is to be found in paragraph 1(a). It is only a reference for the extension of benefits. The claim of overtime now made is for the period from 1983 to 1986 and the letter itself is dated April 1984. I have considered these submissions. Admittedly, the letter referred to by Sri T.Jayant in regard to the representation is only the one of April, 1984. There is no reference of any representation made by the applicants claiming over-time for the period from 1983 to 1986 individually. There was also no mention of their claim for over-time for the period from 1983-86. Even in the reliefs sought for in the Original Application. On a consideration of all facts, I do not find any error apparent on record and that there is any need for review of my order dated 3-11-1988.

3. The Review Application is, therefore, rejected.

There is no order as to costs.

B.N.Jayasharma
(B.N.JAYASIMHA)
VICE CHAIRMAN

DT: 26th APRIL, 1989

RSR/SQH

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Deputy Registrar(D)

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