

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

D.A. No. 258/1989.

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T.A. No.

DATE OF DECISION 23-10-89

The Divisional Railway Manager, South Central Railway, Vijayawada and another. Petitioner(s).

Mr. Subrahmanyam for Mr.P.Venkatarama Reddy, Standing Counsel for Railways. Advocate for the Petitioner(s)

Versus

Sri S.Sankaraiah Devar and another. Respondent

Sri K.Sudhakar Reddy, for Respondent No.1.

Respondent is represented by none. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. J.Narasimhamurthy, Member (Judicial)

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice-Chairman on columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

WJ

WJ

(J.NARASIMHAMURTY)
Member (Judl.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH;
HYDERABAD.

O.A. No. 258/1989.

Date of Order: 23-10-1989.

The Divisional Railway Manager,
South Central Railway, Vijayawada
and another.

Applicants.

Vs.

Sri S. Sankaraiah Devar and another. Respondents.

For Applicants: Mr. Subrahmanyam for Mr. P.
Venkatarama Reddy Standing
Counsel for Railways.

For Respondents: Sri K. Sudhakar Reddy for R-1.

Respondent 2 is represented by none.

CORAM:

The Hon'ble Mr. J. Narasimhamurthy, Member (Judicial).

(Judgment delivered by a Single Member Bench
Hon'ble Shri J. Narasimha Murthy, Member (Judl.))

-:-

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O.A.No.258 of 1989.

(Judgment of the Single Member Bench delivered
by Hon'ble Shri J.Narasimhamurthy,
Member (Judicial).

-:-

This application is filed by the Applicants
against the Order dated 30--5--1988 in C.M.P.No.1/86
on the File of Labour Court (Central)Guntur. The
applicants herein are the respondents in C.M.P.1/86
on the file of Labour Court(Central)Guntur.

The Applicants herein (respondents in
C.M.P.1/86) contend that the 1st respondent herein
(Petitioner in CMP.1/86) is a Workman retired from the
service of South Central Railway on 30--6--1981 as
Head Train Examiner. He filed an application No.
CMP.1/86 in the Labour Court (Central)Guntur claiming
over time wages of Rs.3,335/- for the period from 15-6-1975
to 30--6--1981. The 1st respondent herein submitted his
over time bills for the said period, pursuant to the
Circular dated 25--2--1982 issued by the Senior Divisional
Personnel Officer, S.C.Railway,Vijayawada. The Authorities
did not pass those bills. He, therefore, approached the
Labour Court after examining the witnesses claiming the amount.
The Labour Court after examining the witnesses on either side
gave an order in favour of the 1st respondent herein for a sum
of Rs.3,335/- to be paid to him towards over-time allowance for
the period from 15--6--1975 to 30--6--1981.

The contention of the Applicant herein is that the order of the Labour Court is not just and proper. He further contended that the 1st respondent herein did not submit his overtime claim bills within the prescribed period. So it is a belated claim and he ought to have filed his bills before 30---4---1982. So he is not entitled to the amounts claimed in the petition.

The learned counsel for the Railways argued that the claim is time-barred. This is a Petition under Section 33-C(2) of the Industrial Disputes Act. Therefore, the petition is liable to be dismissed.

The applicant herein relied upon a Circular dated 25---2---1982. As per that Circular, the claim is time-barred. So the Appeal has to be allowed.

It is an admitted fact that the 1st respondent herein was retired from service of the South Central Railway on 30---6---1981 as Head Train Examiner and he filed C.M.P.1/86 in the Labour Court, Guntur claiming overtime wages of Rs. 3,335/- for the period from 15---6---1975 to 30---6---1980.

The Appellant contends that in pursuance of the Circular issued by the Divisional Personnel Officer, South Central Railway, Vijayawada as per ^{the} Railway Authorities

instructed the Supervisor Officials to scrutinise, certify and forward to the Divisional Office on or before 30-4-1982 the over time claims arising out of acceptance of the recommendations of the Railway Labour Tribunal. The 1st respondent herein preferred over-time bills based upon the said Circular and the same were forwarded by the Supervisor Official to the Divisional Office on 30-4-1982. The Bills were not passed by the Competent Authority as the employee was not entitled to any benefits under the R.L.T.Award.

In this case, the ~~applicant~~ 1st respondent herein is a Retired Railway Employee and he worked over-time and claimed over-time wages as per the orders of the Authorities. The ~~Applicant~~ ~~now~~ 1st respondent herein filed a petition and it was rejected by the Authorities. Against that order he filed a petition before the Labour Court, Guntur. The Labour Court, Guntur gave an opportunity to both parties to adduce evidence. After hearing both the parties, the Labour Court passed an order stating that the 1st Respondent herein is entitled to get Rs. 3,335/- towards over-time allowance from the



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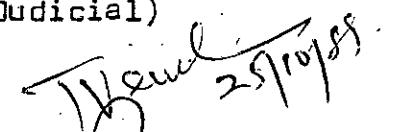
Applicants herein. The Applicant herein cannot raise the question of limitation because there is no limitation to file a petition under Section 33-C(2) of the Industrial Disputes Act. The Workman questioned the refusal order of the Authorities in the Competent Court and the Competent Court satisfied with the contention of the 1st respondent herein and allowed the petition filed by him. When a case is proved substantially, one should not rely on technicalities in the case of a Workman. Moreover there is no limitation for a claim under Section 33-C(2) of the I.D. Act. The plea taken by the applicant herein is not valid.

So, in the circumstances of the case, I hold that there are no valid grounds to interfere with the order of the Labour Court, Guntur and there are no grounds to allow this application. The application is accordingly dismissed. No order as to costs.


(J. NARASIMHAMURTHY)
Member (Judicial)

SSS.

23.10.89.


T. Venkateswaran
Deputy Registrar


J. Narasimhamurthy
23.10.89.

To

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1. The Divisional Railway Manager,
South Central Railway, Vijayawada.
2. The Divisional Mechanical Engineer,
(Carriage and Wagon), S.C.Railway,
Vijayawada.
3. S.Shankaraiah, Retd. Head Train Examiner,
South Central Railway, Vaviletipadu Village,
Gundlapalem(Post) ,
Nellore.
4. The Presiding Officer,
Labour Court,
Visakhapatnam.
5. One copy to Mr.P. Venkatarama Reddy, SC for Railways,
CAT., Hyderabad.
6. One copy to Mr.K. Sudhakara Reddy, Advocate
2-2-1132/5, Near Nallakunta,
Hyderabad.
7. One sparecopy.

YLKR

DRAFT BY

CHECKING BY

D.R.

YLKB

27/10/89 TYPED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

~~HON'BLE MR. B. N. JAYASIMHA: V.C.~~

~~AND~~

~~HON'BLE MR. D. SURYARAO: MEMBER (J)~~

~~AND~~

~~HON'BLE MR. D. K. CHAKRAVORTY: M(AD.)~~

~~AND~~

~~HON'BLE MR. J. NARASIMHAMURTHY: M(J)~~

DATED : 23/10/89

ORDER/JUDGMENT

T.A. No. / (W.P. No.) /

o.O.A. No. 258/89

Allowed

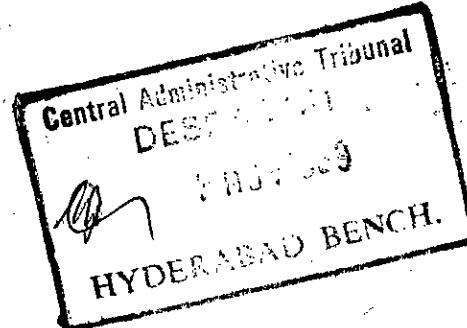
Dismissed

Disposed of

Ordered

No order as to costs.

PSR



D.K.B.
27/10/89