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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A. No. 169/90
T.A. No.

198

DATE OF DECISION 26.11.1991S Bhadrachallam Reddy & 5 others PetitionerS Lakshmana Reddy

Advocate for the Petitioner(s)

Versus

Chief Workshop Manager, RespondentS&T Workshop, Secunderabad & anotherNR Devaraj

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

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 it needs to be circulated to other Benches of the Tribunal ?

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD

Date of decision: 26.11.1991.

Original Application No.169 of 1990

Between

1. S Bhadrachallam Reddy
S/o S Krishna Reddy
2. P.C.Pillai
S/o KP Assan
3. KS Ramachandra Murthy
S/o K Venkateswarlu
4. GA Srisaiah
S/o Augamaiah
5. V Ramarao
S/o V Venkata Krishnaiah
6. P Subrahmanyam Reddy
S/o P Pulla Reddy

- Applicants

All the applicants are working as
Head Clerk in the O/o the Chief
Workshop Manager, S&T Workshop, Mettuguda,
Lalaguda P.O.
Secunderabad-17.

and

1. Chief Workshop Manager,
S&T Workshop, Mettuguda,
Lalaguda P.O.
Secunderabad-17.
2. Workshop Accounts Officer,
Lalaguda, Secunderabad.

- Respondents

Mr S Lakshmana Reddy - Counsel for the
applicants
Mr N.R.Devaraj S.c for Rlyd - Counsel for the
respondents

CORAM

Hon'ble Shri SP Mukerji, Vice Chairman

&

Hon'ble Shri AV Haridasan, Judicial Member

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Ex-para 2

JUDGEMENT (of the bench delivered by
Hon'ble Shri AV Haridasan, Judicial Member)

The applicants are Clerical staff in the office of the 1st respondent, the Chief Workshop Manager, S&T Workshop, Mettuguda, Lalaguda, Seconderabad. During 1987-88, they were booked to work overtime for preparation of the drawn and due (D.O.) statement and for preparation of special bills working out arrears in implementation of the pay revision on the basis of the report of the IVth Central Pay Commission. After completion of the work, they submitted 3 bills claiming overtime allowance along with the sanctioned O.T.slips. Though 2 bills were passed, the third bill for Rs.7,335/- was not passed by the second respondent. Though the applicants made repeated representations, the respondents 1&2 did not pass the bill and make payment. Hence the applicants have filed this application praying that the respondents may be directed to pay the amounts due to them as per special bill No.637/S&T/MFT dated 5.1.1989 for an amount of Rs.7,335/- certified and submitted by the 1st respondent.

2. The respondents have contended that as advised by the Chief Personnel Officer in letter No.P.487/IV PC/86/IMP/Hon. of dated 31.3.1987, the additional work connected with the implementation of the Pay Commission recommendation was to be carried out by the staff on an honorarium basis, that the two bills were already passed owing to a mistake and inadver- tance and that as actually none of the applicants had actually

worked overtime, the applicants are not entitled to have the bill passed. It has also been indicated that the amount paid in excess of the quantum of honorarium has to be recovered from the applicants.

3. We have heard the learned counsel for the parties and have also perused the pleadings and the documents. The applicants have produced photo copy of special bill No.637 for O.T. payment by staff of Bill Section PGR No.893 for Rs.7,335.18 duly certified by the first respondent and forwarded to the second respondent and the photo copies of O.T.Slips. The first respondent who has filed a reply statement in this case contending that none of the applicants has performed O.T. has duly certified the special bill for O.T. and forwarded the same to the second respondent. In the face of this document to which the 1st respondent is signatory, the respondents cannot be heard to contend that the applicants have not performed overtime duty. If the additional work in addition to the routine work was performed by the staff during the normal working hours, then as contend by the respondents, the staff would have been entitled only to honorarium at the specified rate. But in this case, as is seen from the photo copy of the sepcial bill, the applicants have performed O.T. as certified by the first respondent. The copies of O.T. slips produced by the applicant also prove this fact. Therefore, the contention of the

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Copy to:-

1. Chief Workshop Manager,
S & T Workshop,
Mettuguda, Lalaguda P.O. Secunderabad-17.
2. Workshop Accounts Officer, Lalaguda, Secunderabad.
3. One copy to Shri. S.Lakshma Reddy, Association,
High Court Buildings, Hyderabad.
4. One copy to Shri. N.R.Devraj, ~~Adi.CGSC~~ ^{for Olyy} CAT Hyd.
5. One spare copy.

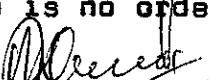
Rsm/-

respondents that the applicants are not entitled to O.T. allowance has to be rejected.

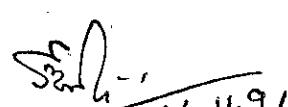
4. The learned counsel for the respondents submitted that the O.T. slips and special bills were certified by the 1st respondent without actually verifying whether O.T. was actually performed and that now on checking the records, it was found that the applicants have not performed O.T. at all. We are not able to accept this argument. Apart from the submission at the bar which is against what is revealed in documents on record and which is highly damaging as far as the first respondent is concerned, the learned counsel did not produce any record to show that the applicants had not performed O.T. and that the first respondent had without caring to verify whether they had actually done O.T. or not, signed the O.T. slips and bill and that therefore, we do not understand on what basis this argument is built up. Hence we are of the view that the applicants are bound to succeed in this application.

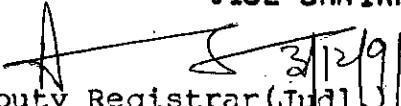
5. In the result, the application is allowed, the respondents are directed to pass the special bill No.637/S&T/MFT dated 5.1.1989 for an amount of Rs.7,335/- which was certified by the first respondent and forwarded to the second respondent and to pay the said amount to the applicants within a period of two months from the date of communication of this order.

There is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER

trs


(SP MUKERJI)
VICE CHAIRMAN


Deputy Registrar(Judtl.)

~~R.M.~~ O.A. 169/90

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TYPED BY

COMARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. S.P. MUKERJI

:v.c ✓

AND

THE HON'BLE MR. A.V. Huidasari

M(J) ✓

AND

THE HON'BLE MR. R. BALASUBRAMANTAN : M(A)

AND

THE HON'BLE MR.

M(J)

DATED: 26/11/1991 ✓

ORDER/JUDGMENT: ✓

M.A./R.A./C.A. No.

O.A. No.

in
169/90

T.A. No.

(W.P. No.

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

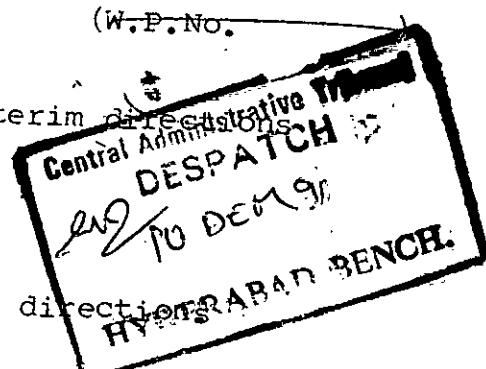
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

M.A. Ordered/Rejected

✓ order as to costs.



pvm

✓

3/2
3/91
all