

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 442/91.

Dt. of Decision : 9-8-94.

1. All India Postal Employees Union,
Class III, Hyderabad G.P.O. Branch,
rep. through its Secretary
B. Satyanarayana.
2. All India Post Employees Union,
Postman Class IV, Hyderabad G.P.O. Branch,
rep. through its Circle Secretary,
D. Shankaraiah.
3. D. Shankaraiah. .. Applicants.

Vs

1. Chief Postmaster General,
AP Circle, Hyderabad
and Chairman, R.J.C.M.
Postal Department, A.P. Hyderabad.
2. Sr. Post Master, Hyderabad G.P.O.,
Hyderabad. .. Respondents.

Counsel for the Applicants : Mr. S. Ramakrishna Rao

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

(28)

O.A.No.442/91

JUDGEMENT

X As per the Hon'ble Sri A.V.Haridasan, Member(J) X

This application has been filed by All India Postal Employees Union, Class III, Hyderabad GPO Branch represented by its Secretary, All India Postal Employees Union, Postmen Class IV, GPO Branch represented by its Secretary, and Sri D. Shankaraiah, Postman, GPO, Hyderabad. Their grievance is that for having performed duties on Sundays and Holidays during the period 1988 and 1989, the operative staff in their office were not paid Over Time Allowance (for short OTA), but were given only Compensatory offs. Even inspite of a decision at the council meeting that OTA would be paid to the employees for this period given them EL or CL according to their entitlement for the period for which compensatory off was given to them. According to the applicants, Rule 20 of the P&T O.T.A. Rules, and that the circular letter of DG, P&T dt.29-9-87 directs payment of OTA to the operative staff who perform duties in the exigencies of the service out of normal working hours on postal and national holidays..

2. The respondents resist the application. They contend that the normal rule to compensate the employees for their work on holidays is by grant of compensatory off and that it is only in cases where employees are detained after the office hours on regular working days for the purpose of completing unfinished work of the day, if the same could not be put off to other day for which OTA is to be paid.

2nd
fms

(23)

3. We have gone through the pleadings and we have heard the learned counsel for the parties at considerable length. Rule 20 of the P&T O.T.A. Rules lays down that OTA may be paid to the operative staff other than the staff of the RMS for nine holidays including national holidays does not say that all postal holidays is given. Further in the instructions issued by the DG, P&T dt.26-2-1964, it has been clearly stated that if an employee drafted for duty on Sundays and Second Saturdays, he should be compensated by grant of compensatory off. The DG, P&T letter dt.29-9-87, produced by the counsel for the applicants reads as follows:

" Attention is invited to this office letter of even number dt.12-1-87 and 8-8-87. Doubts have been raised in certain quarters whether O.T.A. or compensatory off should be granted to the staff of operative offices for extra work done by them. In operative offices of the Department of Posts, there are occasions due to absenteeism or due to heavy work, when the work cannot be finished during the normal working hours and in the interest of service staff have to be deployed on duty outside the normal working hours for completing the unfinished work. It is hereby clarified that in such cases in the interest of clearance of work which cannot be postponed to the next day, O.T.A. may be paid under the existing conditions applicable to operative offices on the basis of notional pay in the pre-revised scales of pay/pay slabs."

It is clear from this letter that the intention was to restrict the payment of OTA in cases where staff in the operative offices are detained in office for completing the unfinished work of the day in the exigencies of service and not to give OTA for the work during Sundays and holidays.

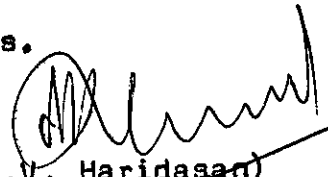
3/12/87
Rm

(29)

The Govt. of India, Ministry of Personnel, Public Grievances and Pension (DOPT) has issued a circular letter on 13-11-86 wherein it has been indicated that payment of OTA may be made only in exceptional cases where the staff who are performing the duties out of office hours and on holidays cannot be compensated by grant of compensatory rest. A Memo. issued by the DOPT is binding on all the other departments of the Govt. of India. What emerges from the different circulars is that the payment of OTA restricted to cases where the staff who are performing the duties on holidays and out of normal duty hours would be restricted in cases where they cannot be compensated by grant of compensatory off. Only exception is found in Rule 20 of the P&T O.T.A. Rules which again is restricted to nine holidays including three national holidays.

4. Here in this case the claim is for OTA for the work performed by the members of the two unions during Sundays and holidays in the years 1988 and 1989 for which they have already been granted compensatory off. The reliance based on a consensus at RCM cannot be held out on the ground getting the relief because such a concession not authorised by the rules and regulations. In the light of what is stated in the foregoing paragraphs and merits of the application, we dispose of the application ^{accordingly} leaving the parties to bear their own costs.


(A.B. Gorthi)
Member(A)


(A.V. Haridasan)
Member(J)

Dt. 9th August, 1994
Open Court Dictation


16.8.94.
DEPUTY REGISTRAR(J)

Copy ^{kmy} to:

1. The Chief Post Master General, A.P.Circle, Hyderabad, and Chairman, R.J.C.M., Postal Department, A.P.Hyderabad.
2. Senior Post Master, Hyderabad G.P.O, Hyderabad.
3. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

YLKR

4/14/94
Am 16/8/94

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN: MEMBER(J) ✓

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A) ✓

Dated: 9.8.94 ✓

ORDER/JUDGMENT. ✓

H.N./R.P./C.P.NO.

O.A.NO. 442/91 ⁱⁿ ✓
T.A.NO. (W.P.NO.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions. ✓

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs. ✓

