

(57)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.69/95

Between:

Date of Order: 6.2.96.

R.Venkaiiah

...Applicant.

And

1. The General Manager,  
South Central Railway,  
A.P., Secunderabad.
2. The Divisional Railway Manager,  
South Central Railway,  
Vijayawada.

...Respondents.

Counsel for the Applicant : Mr.B.H.Ravi

Counsel for the Respondents : Mr.G.S.Sanghi, SO for Railways.

CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

contd...

48

O.A.No.69/95

O R D E R

I As per the Hon'ble Sri R.Rangarajan, Member (A) I

The applicant is a Luggage Porter (Commercial) in Gudur Station in Bezawada Division of S.C.Railway. He was provided with a quarter before 15-11-79 at Gudur. Gudur is a station other than a road side station. The Luggage Porters in the Gudur Station come under the category of "essential intermittent" as per HOER regulation. It is admitted by both the sides that Gudur being a non-road side station and as the Luggage Porters are classified as essentially intermittent workers, they are entitled for double rests per week. An essential intermittent worker is to perform 48 hours + 12 hours a week and for the work done by them over and above 60 hours, they are entitled for OT.

2. The claim of the applicant is that he had performed 12 hours OT over and above the stipulated 60 hours from 15-11-79 onwards till the date of his superannuation which fell on 30-4-93. The case of the applicant is that he was not paid the OT for the work done by him beyond the stipulated 60 hours of work. Though he submitted an application for payment of O.T. as above, the same was rejected. It is stated for the respondents that he has submitted his representation for payment of OT only on 13-12-93 i.e. after his retirement and as it is a belated one, no reply is called for.

59

3. Aggrieved by the above he has filed this application praying for a direction to the respondents to settle and pay all the O.T. payable to him on the basis of Muster Rolls maintained from 15-11-79 till 30-4-93, the period during which he worked as Luggage Porter under the control of R-2 and consequential payment with 12% interest from 13-12-93 till the date of payment.

4. The Luggage Porter in Gudur Station is under "essential intermittant category" and hence they are entitled for double rest per week. They are also entitled for OT beyond the stipulated hours on that basis is not denied by the respondents. It is the case of the respondents that as Gudur is a Station other than road side station, the applicant has been paid by him as "essential intermittant worker".

5. In para 12 of the reply statement, it is stated for the respondents that the applicant has not objected for short payment of OT for the period from 1-11-85 till the date of his superannuation when he received the same and hence he cannot claim the same now after retirement. But OT payment being the responsibility of the administration, even if the applicant does not object regarding the short payment, it is for the respondents to pay him in accordance with rules. From the reply in Para-12 it appears that the applicant was not paid full OT payable to him granting him double rest per week. But it depends on factual verification of the muster rolls and other documents. Hence, it

32



is essential that R-2 should arrange to check the muster rolls and other documents, if any, in the presence of the applicant and arrive at the exact OT hours payable to him, on the basis of the rule applicable for essential intermittent workers deployed in non-road side station. If the applicant is eligible for O.T. on the basis of this check, he should be paid OT irrespective of the fact whether the claim is belated or not.

6. For the period from 15-11-79 till October, 1985 the respondents state that he has been paid OT in accordance with rules. But this also being a disputable item similar factual verification in the presence of applicant has to be done by R-2 deputing a suitable officials and on the basis of the check if the applicant is entitled for payment of any arrears of OT, the same has to be paid irrespective of the fact that the claim made is belated or not.

7. In the result, the following direction is given:-

R-2 should depute a responsible railway official to check the muster rolls and other documents for checking the eligibility of the applicant for the OT hours as claimed by him when he worked as essential intermittent worker at Gudur for the period from 1-11-85 to 30-4-93.

60

If he is eligible for O.T. on the basis of the check he should be paid the same after deducting the amount already paid on this account ignoring the fact that he has claimed the same belatedly. Similar check has also to be made for the period from 15-11-79 to October, 1985 on the basis of the relevant record. In this case also belated claim should not be rejected, if he has to be paid any arrears of O.T. - ~~Balance is six months~~ from today.

8. The O.A. is ordered accordingly. No costs.

*dre*  
(R. Rangarajan )  
Member (A)

Dated 6th Feb., 1996.  
(Open Court Dictation.)

*[Signature]*  
DEPUTY REGISTRAR(J)

spr/  
kmv

To

- South Central Railway,  
A.P. Secunderabad.
2. The Divisional Railway Manager,  
South Central Railway,  
Vijayawada.
  3. One copy to Mr. B.H. Ravi, Advocate,  
20-23, P & T Colony, Dilshuknagar, Hyderabad.
  4. One copy to Mr. G.S. Sanghi, SC for Railways, CAT, Hyderabad.
  5. One copy to Library, CAT, Hyderabad.
  6. One spare copy.

YLKR

9/16/2/96  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD.

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

HON'BLE SHRI R. Ranganathan : M(A)

DATED: 6.2.96

ORDER/JUDGMENT

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

IN

O.A.No. 69/95

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS  
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

\* \* \*

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
वैषम्य/DESPATCH  
15 FEB 1996  
हैदराबाद न्यायपीठ  
HYDERABAD BENCH