

30

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A. 523/96.

Dt. of Decision : 14-08-96.

Syed Zulfikhar Mussain

.. Applicant.

Vs

1. The Presiding Officer,  
Labour Court-I,  
2nd Floor, Chandra Vihar  
Buildings, M.J. Road,  
Hyderabad.
2. The Divl. Railway Manager,  
Broad Gauge, SC Rly,  
Secunderabad.
3. The Railway Board,  
Rep. by its Chairman,  
Min. of Railways,  
Rail Bhavan, New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. Ravi Mohan

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGS<sup>C</sup>.

CORAM:

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

ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.))

Heard Mr. Padmanaba Rao for Mr. Ravi Mohan, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents.

2. The applicant in this OA submits that he worked as Train Superintendent from 16-8-78 to 15-8-1981. It is further stated that he worked over-time during that period while discharging the duties in trains such as Minar Express, Konark Express and A.P.Express. Relying on the judgement of this Tribunal in OA.No. 109/88 (englosure A-1 to the OA) he submits that he is entitled for the over-time. He further submits that he had represented his case earlier to the pronouncement of the judgement in OA.109/88 and also after the pronouncement of the judgement in OA.109/88. But no representation reported to have been submitted after the pronouncement of the judgement in OA.109/88 has been enclosed.

3. This OA is filed praying for a direction to the respondents to pay him over-time allowance from 16-8-78 to 15-8-81 for the over-time duty performed by him during that period while working as Train Superintendent in the Trains named above.

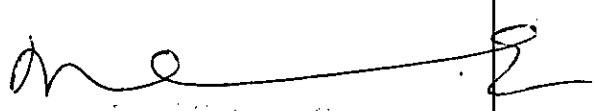
4. The CAT procedure Rule clearly indicates that an employee before approaching this Tribunal should exhaust the normal channel of grievance redressal machinery available in the department and in case he fails to obtain suitable orders in this connection he may approach this Tribunal. As no representation in regard to his above grievance is filed before the concerned authorities after the pronouncement of the judgement in OA.109/88 on which he relies to get the relief it had to be held that he has not exhausted the official machinery available to him for redressal of his grievance before approaching this Tribunal. Mere statement that he had filed

representation without producing copy of the representation cannot be taken in the face value. Hence, the applicant now, if so advised, may file a suitably worded representation to the concerned authorities on or before 16-09-96, and if such a representation is received the same should be disposed of by that authority within a period of three months from the date of receipt of a copy of this representation

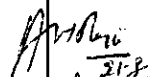
5. In the result, the following direction is given:-

The applicant, if so advised, may file a representation for grant of over-time allowance to him for the period mentioned in this OA for having worked over-time beyond the normal duty hours on or before 16-09-96. If such a representation is received by the concerned authority, that authority should dispose of the same in accordance with law within three months from the date of receipt of that representation.

6. The OA is ordered accordingly. No costs.

  
(R. Rangarajan)  
Member (Admn.)

Dated : The 14th August 1996.  
(Dictated In Open Court)

  
21/8/96  
Dy. Registrar (J)

spr

..4..

O.A.NO.523/96

## Copy to:

1. The Presing Officer,  
Labour Court, I,  
2nd Floor,  
Chandravihar Building,  
M.J.Road, Hyderabad.
2. The Divisional Railway Manager,  
Broad Gauge, South Central Railway,  
Secunderabad.
3. The Chairman, <sup>Railway Board,</sup> Min. of Railways,  
Rail Bhavan, New Delhi.
4. One copy to Mr. Ravi Mohan, Advocate,  
CAT, Hyderabad.
5. One copy to Mr. V. Bhimanna, Addl. CGSC,  
CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One duplicate copy.

YLKR

*QVR*  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 14/8/96

ORDER/JUDGEMENT  
O.A. NO./R.A./C.P. No.

in

O.A. NO. 523/96

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED  
DISPOSED OF WITH DIRECTIONS  
DISMISSED  
DISMISSED AS WITHDRAWN  
ORDERED/REJECTED  
NO ORDER AS TO COSTS.

YLKR

II COURT

No Spall copy

