

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 20.7.2000

OA 451/97

Nirbhair Shanker, Mathura Lal, Shanti Bai, Dwarki Bai, Parwati Bai, Tara Bai, Shivji Singh, Chotulal, Ram Dayal, Shanti Bai, Nathi Bai, Ram Prasad, at present working as Group-D (Assistant Karamchari) in Central Soil and Water Conservation Research and Training Institute, Kota Jn., Kota,

Babulal, Jadab Bai, Sunder Bai, Kali Bai, Gyarsi Bai, Maohan Lal and Hukam Singh, retired from the post of Group-D in the Central Soil and Water Conservation Research and Training Institute, Kota Jn., Kota.

... Applicants

Versus

1. Union of India through Secretary, Department of Agriculture, Ministry of Agriculture, New Delhi.
2. Secretary, Indian Council of Agriculture Research, Krishi Bhawan, New Delhi.
3. Director, Central Soil and Water Conservation Research and Training Institute, 218, Kaulagarh Road, Dehradun.
4. Head, Central Soil and Water Conservation Research and Training Institute, Research Centre, Kota.

... Respondents

CORAM:

HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

For the Applicants

... Mr.C.B.Sharma

For the Respondents

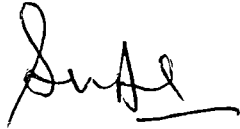
... Mr.K.N.Shrijmal

O R D E R

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER

In this OA filed u/s 19 of the Administrative Tribunals Act, the applicants make the following prayers :-

- "i) That Ann.A/1 dated 31.5.97 with any other order passed by the respondents be quashed and respondents be directed to pay overtime/ cash compensation in lieu of excess/extra work performed by the applicants for the period 18.11.88 to 9.11.95.
- ii) That the respondents be further directed to pay cash compensation as per over time rates applicable in other departments of Central Govt. of India.
- iii) Any other order/direction of relief may be granted in favour of the applicants which may be deemed just and proper under the facts and



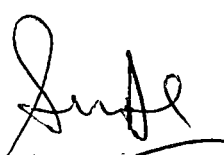
circumstances of this case.

- iv) That the cost of this application may be awarded to the applicants."

2. The facts of the case, as stated by the applicants, are that they are regular Group-D employees of the respondent department. Working hours of the applicants were nine hours per day from 08.00 hours to 17.00 hours, with one hour lunch, but due to hard work etc. the matter was agitated before the respondents to reduce the working hours and the respondents took a decision to reduce the working hours from nine hours to 7½ hours per day i.e. from 09.30 hours to 17.00 hours with one hour lunch. So the applicants had worked for excess 1½ hours per day since 18.11.88 to 9.11.95. It is stated that the respondents have decided to allow compensatory leave in lieu of excess work performed by the applicants during 18.11.88 to 9.11.95 and from 1990 to 1995. The applicants filed representation to the respondents to pay cash compensation in lieu of excess work through their Union. The matter is still under consideration before the respondents. It is stated that a notice for demand of justice was also served upon the respondents but with no result. It is stated that action of the respondents to allow compensatory leave in lieu of excess work performed by the applicants is arbitrary, illegal and unjustified and the employees should be allowed overtime/cash compensation in lieu of excess work done by them but the prayer of overtime/cash compensation was not accepted by the respondents. Therefore, the applicants have come before this Tribunal for the relief, as above.

3. Reply was filed. In the reply it is stated that action of the answering respondents is just, proper and legal and also as per rules and regulations. It is stated that compensatory leave is a concession and overtime allowance instead of compensatory leave cannot be claimed as a matter of right. It is also stated that representation of the Union in this regard was without any basis and, therefore, the question of payment of overtime to the applicants does not arise at all. It is further stated that the respondent department was not to run for commercial purpose and the compensatory leave is granted as just a grace and compensation and there is no provision for cash payment. Therefore, this OA is devoid of any merit and liable to be dismissed.

4. Heard the learned counsel for the parties and also perused the whole record.

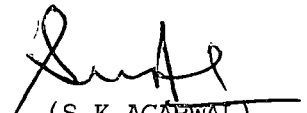


5. The order dated 31.5.97 (Annexure A/1) is an order allowing compensatory leave to the applicants in lieu of excess work done by them. As overtime allowance cannot be claimed as a matter of right in lieu of excess work done by the applicants, who are working as Class-IV employees of the respondent department, and a concession in the shape of allowing compensatory leave has already been granted to the applicants in lieu of excess work done by them, therefore, I do not find any infirmity in the impugned order dated 31.5.97 (Annexure A/1).

6. The learned counsel for the applicants submits that some of the employees had already been retired before the impugned order dated 31.5.97 was issued. Therefore, the respondent department be directed to give them monetary benefit in lieu of excess work done by them. In this connection it is observed that if such employees file representation before the respondent department, the respondent department may consider their grievance sympathetically, if the rules so permit.

7. The learned counsel for the applicants has also argued that the applicants did not avail the compensatory leave as allowed to them by the order dated 31.5.97 due to the pendency of this OA. Therefore, directions may be given to the respondents to allow the applicants for compensatory leave now. No doubt, the order dated 31.5.97 provides for availing of compensatory leave as allowed before 31.12.97 but due to the pendency of this OA the applicants could not avail the compensatory leave as allowed in lieu of their excess work, therefore, it will be just and proper to allow them the compensatory leave as allowed during the year 2000.

8. I, therefore, dispose of this OA with the observation that I do not find any infirmity in the order dated 31.5.97, at Annexure A/1. However, the respondents are directed to allow the applicants compensatory leave, who are in service, during the year 2000. No order as to costs.

  
(S.K. AGARWAL)  
MEMBER (J)