

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

DATE OF ORDER: 6-9-2001

OA 523/2000

Prabhu Dayal Verma son of Shri Dal Chand Verma aged about 54 years, resident of 7478, Baidwara Rewari at present employed on the post of Station Master at Kathuwas Railway Station, District Alwar, Western Railway.

.... Applicant.

Versus

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. Divisional Railway Manager, Western Railway, Jaipur Division, Jaipur.
3. Senior Divisional Operating Manager, Western Railway, Jaipur Division, Jaipur.

.... Respondents.

Mr. C.B. Sharma, Counsel for the applicant.

Mr. R.G. Gupta, Counsel for the respondents.

CORAM

Hon'ble Mr. S.K. Agarwal, Member (Judicial)
Hon'ble Mr. S.A.T. Rizvi, Member (Administrative)

ORDER

PER HON'BLE MR. S.A.T. RIZVI, MEMBER (ADMINISTRATIVE)

The applicant, a Station Master, posted at Kathuwas Railway Station in District Alwar is aggrieved by the non-payment of over-time allowance for the period from 30.8.98 to 10.10.98 and accordingly prays for a direction to the respondents to pay overtime allowance for the aforesaid period alongwith interest.

2. The applicant submitted his claim but there has been no response from the respondents. The contention raised is that while the respondents have paid overtime allowance to him for the period from ~~17.4.1998~~ to 29.8.1998, the same has been withheld in respect of the period in question without any justification.

3. The learned counsel appearing on behalf of the respondents has submitted that from 13.7.1998, the M.B.V. Station where the applicant was posted as Station Master was downgraded to 'D' class and thereby w.e.f. that very date the train ~~service~~ operation working at the said station totally ceased. In result, the applicant was generally selling tickets to passengers upto ~~17.7.1998~~ ^{late} the stock of the tickets too was shifted to another station on 29.8.1998. However, in the circumstances, the overtime claim of the applicant for the period upto 29.7.1998 has been paid. From that point of time onwards, the applicant simply looked after the attendance of Class IV employees and arranged ^{which became} payments due to them and did other such work. In the circumstances there was no justification for overtime claim. Despite this position, the applicant claimed overtime in a wrongful manner and without any superior direction or competent sanction and thereby caused financial loss to the Government. For this lapse on his part, the applicant has been charge-sheeted. The respondents' apprehension is that the applicant has filed the present OA only in order to get over the problem he is currently facing by way of charge-sheet served on him for wrongful claims of overtime for the period in question.

4. We have considered the pleadings of the parties and find that, having regard to the facts that the Railway Station in question had been downgraded, there was very little work for the Station Master is not in dispute. We have also perused the relevant rule concerning payment of overpayment which reads as follows:-

"Overtime allowance is an allowance paid to Railway servant for actual time worked in excess of the hours of employment prescribed by any law or rule. The railway servants Hours of Employment Regulations specify the classes of staff into different categories with prescribed duty hours and a roster in case of workers who have performed shift duties, in respects of which Railway Administration is under obligation to pay over-time allowance when such staff are called upon to work in excess of the number of hours prescribed under the said Regulation. The staff who hold positions of supervision of management or are engaged in a confidential capacity are not entitled for overtime allowance." (Emphasis supplied).

(Taken from Railway Establishment Rules & Labour Laws, 1995 2nd Edition 1994 by Mr. K.P. Sharma, Page 223)

The aforesaid rule clearly provides that Railways become obliged to pay over-time allowance only when staff is called upon to work in excess of the prescribed number of hours, i.e. only in consequence of a competent prior sanction.

5. The respondents emphatically stated that the applicant was never called upon to do extra work during the period in question by any superior authority and, therefore, there could be no question of paying over-time allowance in the manner sought by the applicant. Incidentally, the applicant also has, we find, no where stated that competent authority had sanctioned overtime working for the period in question. All that he has said is that he made certain correspondence in the matter with the higher authorities and in the absence of any reply from them, he felt duty bound to perform beyond the prescribed hours, and that is why he claim. This plea cannot be accepted in the face of the aforesaid rule position.

6. After a careful consideration of the matter, the facts and circumstances revealed in the pleadings of the parties and the rule position, we are inclined to conclude, without any hesitation, that the present OA is wholly devoid of merit and deserves to be dismissed.

7. The present OA is accordingly dismissed. There shall be no order as to costs.


(S.A.T. RIZVI)
MEMBER (A)


(S.K. AGARWAL)
MEMBER (J)