

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No. 200 of 1998.

DATE OF DECISION.....5-5-1999.....

Sri Shankar Prasad Sinha. (PETITIONER(S))

Sri R. Dutta. ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

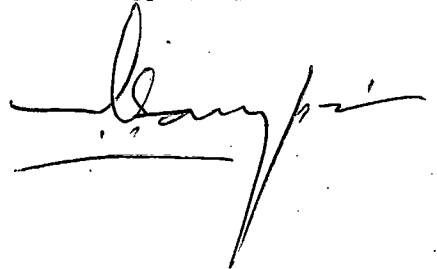
Union of India & Ors. RESPONDENT(S)

Sri S. Sengupta, Railway counsel. ADVOCATE FOR THE
RESPONDENTS.

THE HON'BLE SRI G.L.SANGLYINE, ADMINISTRATIVE MEMBER
THE HON'BLE

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Administrative Member.



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 200 of 1998.

Date of Order : This the 5th Day of May, 1999.

Shri G.L.Snaglyine, Administrative Member.

Shri Shankar Prasad Sinha,
Son of Late Atul Ch. Sinha,
resident of Qrs.No. T50/B,
Railway Station Colony,
Guwahati-781001.

. . . Applicant.

By Advocate Sri R.Dutta.

- Versus -

1. Union of India
represented by General Manager,
N.F.Railway, Maligaon,
Guwahati-11.
2. The Sr.Divisional Electrical Engineer,
N.F.Railway, Lumding,
P.O.Lumding,
Dist. Nagaon (Assam).
3. The Divisional Electrical Engineer,
N.F.Railway, Guwahati-1.
4. The Asstt. Electrical Engineer,
N.F.Railway, Guwahati-1.
5. The Sr. Section Engineer,
Air Condition,
N.F.Railway, Guwahati-1.

. . . Respondents.

By Advocate Sri S.Sengupta, Railway counsel.

O R D E R

G.L.SANGLYINE, ADMN.MEMBER,

This Original Application has been submitted by the applicant seeking payment of Overtime Allowance amounting to Rs. 1,20,179.79/-. The application was admitted on 26.8.1998. Opportunities to submit written statement were granted to the respondents. No written statement was filed. On 18.11.1998 it was directed that no further time for filing of written statement can be allowed and the case will proceed without written statement and the case was

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listed for hearing on 3.3.1999 and further adjournment was granted and listed for hearing today. Mr R.Dutta, learned Counsel for the applicant and Mr S.Sengupta, learned Railway counsel are present. They have been heard.

2. The claim for Overtime allowance was agitated by the applicant in O.A.135(G) of 1989 which was disposed of by an order of this Tribunal dated 31.10.1990. Again the applicant approached this Tribunal by filing O.A.No.261/93. This O.A. was disposed of by judgment and order dated 28.6.1996 in which certain directions were issued to the respondents in the following manner after setting aside the letter No.E/34/5/OT/GHY/650 dated 9.6.92 :

"The respondents are directed to re-examine afresh on merit the claim of the applicant for payment of over time allowance of Rs.1,20,179.79 p for the periods indicated above and to issue a final order in respect of the claim after taking into consideration the facts of his case, the instructions dated 13.1.1977 and dated 27.6.1985 aforesaid and the relevant rules or instructions of the Railway Board in this regard as applicable at the time of the respective journeys performed by the applicant. The respondents are further directed to issue a speaking order in compliance with the above directions within three months of the date of receipt of this order by the Respondent No.1."

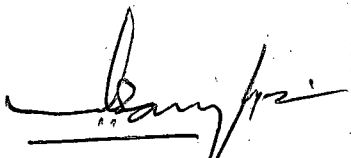
Consequent to the direction of this Tribunal the respondents issued a letter No.E/GHY/Con/17/826 dated 2.9.1997, Annexure A/11 to the applicant in which among other things it was stated that the claim for over time allowance was being reassessed for payment to the applicant. Opportunity of being heard was granted to the applicant. The applicant submitted a letter dated 10.9.1997, Annexure A/12. Thereafter no action was taken by the respondents. Feeling

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aggrieved with the failure of the respondents to take any decision in the matter the applicant has submitted this present application.

3. After hearing the counsel of both sides I am of the view that it is expedient to direct the respondents to finalise the claim of the applicant. Accordingly I dispose of this application with the direction to the General Manager, N.F.Railway, Maligaon, Guwahati to issue a final order determining the admissibility of payment of the over time allowance claimed by the applicant after he personally hears the applicant. He shall communicate the order containing reasons and details to the applicant within 90 days from the date of receipt of this order. The applicant may also be allowed to make his submission in writing at the time of hearing.

Application is disposed of. No order as to costs.


(G.L.SANGHVI)
ADMINISTRATIVE MEMBER