

30/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

INDEX

O.A/T.A No. 357/01
R.A/C.P No.
E.P/M.A No.

1. Orders Sheet.....OA.....Pg. 1.....to 3.....
2. Judgment/Order dtd. 28.1.02.....Pg. 4.....to 12. Separate order
with annexure
3. Judgment & Order dtd.....Received from H.C/Supreme Court
4. O.A.....OA 357/01.....Pg. 6.....to 19.....
5. E.P/M.P.....Pg.....to.....
6. R.A/C.P.....Pg.....to.....
7. W.S.....Pg. 1.....to 25.....
8. Rejoinder.....Pg.....to.....
9. Reply.....Pg.....to.....
10. Any other Papers.....Pg.....to.....
11. Memo of Appearance.....
12. Additional Affidavit.....
13. Written Arguments.....
14. Amendment Reply by Respondents.....
15. Amendment Reply filed by the Applicant.....
16. Counter Reply.....

SECTION OFFICER (Judl.)

Signature
8/12/17

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH: GUWAHATI.

ORDERS SHEET

Original APPLICATION NO. 357/2001

Applicant (S) S. P. Sinha

Respondant (S) H. O. I. Gans

Advocate for the Applicant: R. Dutta

Advocate for the Respondant: Railway Counsel

Notes of the Registry

Date

Order of the Tribunal

5.9.01

After hearing Mr. R. Dutta, learned counsel for the applicant and Mr. S. Sengupta, learned Rly counsel for the respondents, the application is admitted. Call for the records.

List on 5/10/01 for written statement and further order.

This app
but not
Petition
M. P. R.
for the
IPO/B
Dated...

in form
ation

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

ca

76548549

13-8-2001

By Registrar

VS 9/9/2001

VS 5/9/01

5.10.01

At the request of Mr. S. Sengupta learned counsel for Railway four weeks time is allowed for filing of written statement. List on 21.11.01 for orders.

No. Written statement
has been filed.

By
H. O. I.

Slk Received Notice prepared
and sent to S/S for
trans the Respondent No 1 to
5 by Regd. A.D.

D/No 3948 & 3952

Ad 15/10/01

lm

21.11.2001

On the prayer of Mr S. Sengupta, learned Railway Counsel the case is adjourned to enable the respondents to file their written statement within four weeks from today. List for order on 21.12.01.

① No written statement
has been filed.

21.12.01

Four weeks time is allowed to the
respondents to file written statement.
List on 18.1.2002 for order.

20.11.2001

Member

mb

No. written statement
has been filed.

18.1.02

At the request of Mr. S. Sengupta
learned counsel for the respondents
four weeks time is allowed for filing
of written statement. List on 22.2.02
for orders.

20.12.01

No. written statement
has been filed.

17.1.02.

lm

Member

No. wks has been filed.

22.02.02

List on 27.3.03 to enable the
Respondents to file written statement.

21.2.02

Member

lm

No. written statement
has been filed.

27.3.02

Four weeks time is allowed to the
Respondents to file written statement. List
for orders on 26.4.2002.

26.3.02

Vice-Chairman

No. written statement
has been filed.

mb

26.4.02

List on 24.5.02 to enable the
respondents to file written statement.

24.4.02

Vice-Chairman

lm

No. written statement
has been filed.

24.5.02

Written statement has been filed. List
the matter for hearing on 28.6.2002. The
applicant may file rejoinder, if any, within
two weeks from today.

23.5.02.

Vice-Chairman

mb

27.5.2002
w/s submitted
by the Respondents.

3
O.A.357/2001

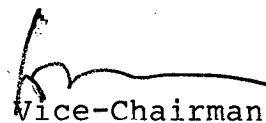
Notes of the Registry | Date

Order of the Tribunal

28.6.2002

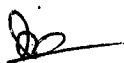
Heard Mr.R.Dutta, learned counsel
for the applicant, who has stated that
he is not pressing the Petition.

The application is accordingly
dismissed on withdrawal.


Vice-Chairman

bb

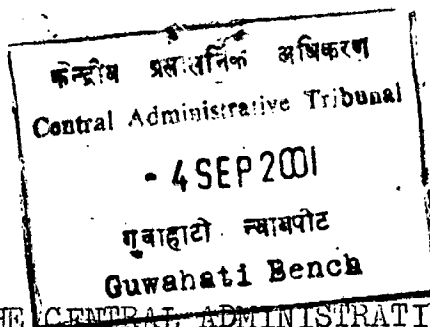
Order dtd 28/6/02
Communicated to the
Karties Commr.



4

Notes of the Registry Date

Order of the Tribunal



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH .. GUWAHATI

(An application under section 19 of the A.T.Act,1985.)

O.A. No. 357 of 2001

Shri S.P. Sinha

Applicant

Versus

Union of India & others

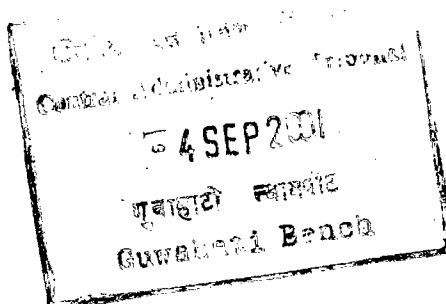
Respondents

I N D E X

Sl.No	Particulars of document.	Annexure No	Page
1.	Application	1 to 30	1 to 30
2.	Judgement & orders of the Hon'ble Tribunal dated 30.10.90 in O.A 135(G)/90.	A/1.	31 to 34
3.	Railway Board's letter No. E(LL)73/HER/26 dated 13.1.77	A/2.	35
4.	Railway Board's letter No.E(LL)83/HER/1-2 dated 27.6.85	A/3.	36
5.	Statement showing overtime allowance for the period from 2.1.84 to 20.12.84	A/4	37 and 38
6.	Statement of overtime allowance for the period from 1.1.85 to 26.12.85	A/5.	39 and 40
7.	Statement of overtime allowance for the period from 25.1.86 to 9.12.86.	A/6	41 and 42
8.	Statement of overtime allowance for the period from 1.1.87 to 1.12.87	A/7	43 and 44
9.	Statement of overtime allowance for the period from 1.1.88 to 29.12.88	A/8	45 and 46
10.	Statement of overtime allowance for the period from 2.1.89 to 2.1.90	A/9	47 and 48

Contd .. P II

II



Sl.No	Particulars of document	Annexure No.	Page
11.	Hon'ble Tribuna's orders dated 28.5.96 in O.A. No. 261/93.	A/10.	49 to 54
12.	Divisional Electrical Engineer's letter dated 2.9.97	A/11.	55 and 56
13.	Applicant's representation dated 10.9.97.	A/12	57
14.	Hon'ble Tribuna's orders dated 25.5.98 in C.P.No. 9/97	A/13.	58
15.	Hon'ble Tribunal's orders dated 5.5.99 in O.A. No. 200/98	A/14	59 to 61
16.	Applicant's representation dated 29.12.2000	A/15	62
17.	General Manager, N.F. Railway's letter dated 10.1.2001	A/16	63 and 64
18.	Applicant's representation dated 3.2.2001	A/17	65 to 67
19.	Hon'ble Tribunal's orders dated 25.5.2001 in C.P No 33/2001	A/18	68 and 69

SP. Himba

Signature of the applicant.

.....

File by
20/6/01
3.9.01

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH :: GUWAHATI.

(An application under section 19 of the A.T.Act.)

O.A. No. 357 of 2001.

Shri Shankar Prossad Sinha son of
late Atul Ch. Sinha, residing in
Rly Qrs No. 50 B Railway Station
Colony, Guwahati-1. 781001. Applicant.

VERSUS

1. Union of India, represented by the
General Manager, N.F.Railway, Maligaon,
Guwahati-11.781011.
2. The General Manager, N.F.Railway,
Maligaon, Guwahati-11.781011.
3. The Sr. Divisional Electrical Engineer,
N.F.Railway, Lunding. Pin- 782447.
4. The Divisional Electrical Engineer,
N.F.Railway, Guwahati.Pin-781001.
5. The Senior Section Engineer,Electrical
(Air- Condition), N.F.Railway, Guwahati
Pin-781001.

..... Respondents.

Contd... P/2.

S.P. Sinha

1. Particulars of the order against which this application is made :

General Manager, N.F.Railway, Maligaon's letter No. E/170/Legal Cell/853/2000 dated 10.1.2001. (Annex-A/1-6)

2. Jurisdiction

- 2.1. The applicant submits that the Hon'ble Tribunal has jurisdiction over the subject matter of the application also the territorial jurisdiction.

3. Limitation

The applicant submits that the application is within the period of limitation.

4. Facts of the case

- 4.1 That, the applicant is a citizen of India and is working as Air Conditioned Coach Incharge (in short ACCI) and is now posted under the Senior Section Engineer , Electrical(Air Condition), N.F.Railway, Guwahati .

- 4.2 That, the duties of the ACCI include managing and maintaining the Air Conditioned Coach (in short A.C E Coach) of the train and for the purpose the ACCI is required to travel with the AC coach from the originating station to the destination station during the material period. They could sign off the duty only on their home station after completion of return trip unless the coach ~~ix~~ was sick(unfit to run) enroute. Most of these round trips required 3 to 7 days at a stretch.

- 4.3 That, the duties performed by the ACCI is treated as continuous under the Railway Servant (Hours of

Contd...P/3.

SP. Hindu

employment) Rules, 1961, read with section 71 A of the Railways Act 1990.

4.4 That, the duties performed by the applicant involved performance beyond prescribed hours of duty to be performed and thereby entitled the applicant to get overtime allowance for extra hours of duty performed by the applicant. But ~~in-~~inspite of repeated representations no overtime vouchers were prepared and the applicant was not paid the overtime allowance.

4.5 That, the overtime voucher is to be prepared by the in-charge of the office where the employee works. As the overtime voucher of the ACCIs were ^{not} prepared by the office of the Senior Section Engineer, Electrical (Air Condition) Guwahati, the applicant himself prepared the overtime vouchers in respect of extra hours of duty performed by the applicant and submitted the same to the office of the Senior Section Engineer, Electrical (Air Condition) Guwahati (Respdt. No.5) for signature and payment of overtime allowance.

4.6 That, even after preparation overtime papers by the applicant the overtime allowance was not paid to him and ultimately finding no alternative, the applicant filed an application before this Hon'ble Tribunal in 1989, which was registered as O.A. No. 135(G)/89, praying a direction ~~for~~ entitling ACCIs and AC Coach Attendants to payment of overtime allowance and for payment of overtime allowance to the applicant as claimed by him.

4.7 That, the Hon'ble Tribunal vide orders dated 31.10.90 was pleased to direct as under :

" That all the Air Conditioned Coach Incharges Attendants including present petitioner are

Contd ...P/4.

S. P. Linla

entitled to overtime allowance on the days on which they had rendered services beyond the prescribed hours of duty and not only they should be paid overtime allowance hereafter, but the arrear amount to which they are entitled, should be paid to them within one hundred twenty days from the receipt of a copy of the judgement." ^{A copy of the judgement is annexed as Annexure A/}

4.8 That, the overtime amount of the applicant amounted to Rs. 1,20,179.95 (One lac twenty thousand one hundred ~~xx~~ seventy nine and paise ninety five)only from 2.1.84 to 2.1.90 and the applicant made repeated representations to the respondents for payment of the same . But neither any reply nor any payment was made to him . After waiting for a year and finding no alternative, the applicant filed C.P.No.23/91 for disregarding of the Hon'ble Tribunal's judgement and order dated 31.10.90 by the respondents and notices to show cause were issued to the opposite parties. Then payment of alump sum amount of Rs. 13756.77 was arrange as full and final payment of the applicant's overtime claim. The applicant received the amount without prejudice to his claim for balance amount, in terms of a direction of this Hon'ble Tribunal dated 27.2.92 in C.P.No. 23/91.

4.9 That, only a sum of Rs.13756.77 was paid against the Overtime claim of Rs. 1,20,170.95 paise without assigning ~~x~~ reason, the applicant had to move an Misc. Petition No. 48/92 for a direction for payment of the balance amount. The Hon'ble Tribunal was pleased to dispose of the said Misc.petition directing that the applicant shall be at liberty to submit a representation to the respondents and the respondents were to dispose the representation within 2 months from the date ^{of} receipt. Accordingly the

S.P. Singh

applicant submitted a fresh representation on 29.4.92. The respondents informed the applicant on 9.6.82 that on re-check it had been found that a further sum of Rs. 4,240/- is due to the applicant. The payment of the said sum of Rs.4240/ was subsequently made to the applicant. As the reason for Rs. 4240/ was not clear the applicant submitted another representation on 16.9.92 and as no reply was received from the respondents, the applicant had to file another misc petition before the Hon'ble Tribunal. While disposing the said M.P.No.55 of 93, the Hon'ble Tribune granted liberty to the applicant to file a fresh ~~petition~~ a fresh application within 4 month from 7.9.93.

4.10 That, the genesis of Hours of Employment Regulations (in short HER) is in the Indian Railways Amendment Act 1930 which was enacted as the then Govt. of India intended to implement the provisions of Washington Convention No.1 of 1919 and Geneva Convention no.14 of 1921 and 1923 which were ratified by the Govt. of India in 1921 and 1923 respectively. In 1931 rules and subsidiary instructions were framed and HER came into force giving certain rights to the Railway employees in the matter of hours they are to work and get some extra payment in cases where he is required to work beyond his scheduled duty hours. As these were not adequate to protect the railwaymen from exploitation, persistent demand was made by the unions of the railwaymen for review of these rules by appropriate forum. Ultimately, in the year 1946, the Govt. of India appointed Mr. Justice ~~xxdijxx~~ Rajadhyaksha (here after refereed as adjudicator) as adjudicator to adjudicate upon the dispute in regard to the provisions contained in HER 1931. The Hon'ble adjudicator

Contd....P/6.

S.P. Sinha

submitted his report in 1947 and on the basis of the report the Railway Servants Hours of Employment Rules 1951 (in short HOER) was framed. The Indian Railways Act 1890 was also amended and a new chapter- Chapter VI A in respect of limitation of hours of employment of the railway servants was included in the Act. In 1961 HOER 1951 was replaced the Railway Servants (Hours of Employment) Rules, 1961 (in short HOER). Subsequently some dispute arose in the matter of interpretation and implementation of the award of the adjudicator and as these ~~could~~ could not be settled in the meeting of the Permanent Negotiating Machinery, a forum consisting of representative of the Railway Board and recognised federations of the railway unions, the Govt. of India set up a tribunal named Railway Labour Tribunal, 1969 under the chairmanship of Justice M.N. Miabhoy, ~~the~~ retired chief Justice of the Gujrat High Court. The subject of hours of employment of the railwaymen was one of the dispute referred to the Railway Labour Tribunal.

4.11 That the Railway Labour Tribunal, inter alia, decided that the entire period of travelling even if as spare will be treated as duty where a separate crew rest van is not provided for taking rest by the travelling on duty staff. ~~That~~ The Hon'ble Railway Labour Tribunal also decided that the duty of an employee commences when he places himself at the disposal of the employer and that such duty continues until he is fully at liberty to leave the place of duty and drew the conclusion that the work should be deemed to commence when the employees place themselves at the disposal of the Railway Administration and their duty should be regarded as ending when they cease to be at such disposal. These recommendations of the Railway Labour Tribunal were accepted by the Railway Board and circulars were issued from time to time.

4.12 That, under letter No E(LL)73 dated 13.1.77, the Railway Board communicated the decision that in computing the hours of employment of ACCI and ACC Attendants credit may be allowed in full for such of the time spent by them in travelling.

A copy of the Railway Board's circular dated 13.1.77 is annexed as Annexure A/1.

4.13 That, under letter No E(LL)83/HER/L-3 dated 27.6.85, the Railway Board communicated the decision that the ACCI and ACC attendants would be allowed 1 hour before the commencement of the train journey and after completion of the journey, for completing the pre-departure formalities and for handing over in completion of their duty hours. It was also instructed that for service extended over long distance such as Howrah-Delhi/Amritsar, Newdelhi-Bombay, New-delhi-Madras etc, in order that the working hours of staff are not unduly extended, the link of the staff booked for such service should be so arranged that the staff are booked off at a convenient intermediary station and fresh set booked further journey. It was also directed that at out stations at the end of their journey the staff may be allowed to hand over the charge of loose items in their possession to the maintenance staff. But these instructions were not implemented during the period for which the overtime was claimed by the applicant.

A copy of the Railway Board's letter dated 27.6.85 is annexed herewith as Annexure A/2.

Contd .. P/8

G.P. Sinha

4.14 that, under subsidiary instruction 21(V) issued ~~and~~ by the Railway Board and embodied in the Indian Railway Establishment Manual (in short IREM) in case of staff who are absent from duty during the course of the period for which overtime is due, the normal rostered hours during the period of authorised absence from duty should be deemed to have been worked and added to the actual hours of duty performed by the employee during the rest of the period for which overtime is due.

4.15 That, under subsidiary No 22(ii) to the HOER, the Railway Administration should try and make provision for one room at each fairly large station for use of the staff who may be arriving on relieving or other duty. But no such provision was made for the ACCI and the ACC attendants in any of the destination stations in which they were booked. They were also not provided with running room facilities. Besides, as the staff of destination station work in the air conditioned coach for making her fit for return trip and the charge of the coach and specially items like linen, blankets, bedrolls are not taken over the ACCIs and the ACC Attendant cannot leave the coach and go for taking rest elsewhere. In the AC Coach also they cannot take proper rest due to constant ~~ing~~ shunting and working of the staff of destination maintenance staff.

4.16 That, under rule 7 of the HOER, a statutory Rule, a register is to be maintained in which all extra hours of work performed by a workman is to be maintained for purpose of payment of overtime.

4.17 That, in terms of the instructions issued by the Chief Personnel Officer, N.F. Railway, Maligaon Under No

S.P. Limba

114

- 9 -

AIC/31 No. E/123/III/22(ADJ)PIII dated 30.10.63 the subordinate incharge is to submit overtime journal in favour of the staff after expiry of the wage month to ensure timely payment. Inspite of these clear instructions, no overtime journal was prepared and submitted by the superior of the applicant inspite of repeated representations by the applicant. Ultimately the applicant prepared the overtime journals and submitted the to the office for signature and transmission to the concerned authorities for payment.

4.18 That the applicant is a continuous worker and is entitled to overtime allowance whenever he works more than 104 hours in a fortnight as the overtime of the ACCIs are calculated fortnightly and overtime journals are prepared on the basis of 2 fortnight in a wage period.

4.19 That, the total duty hours of the applicant from 2.1.84 to 15.1.84 was 144 hours and the applicant claimed overtime for 40 hours. In the 2nd fortnight from 16.1.84 to 29.1.84 the duty hours of the applicant was 145 hours 27 minutes and he claimed overtime for 41 hours.

4.20 That, during the period from 30.1.84 to 12.2.84 the total duty hours of the applicant came to 147 hours 23 minutes and he claimed overtime for 44 hours. In the period from 13.2.84 to 26.2.84 the applicant performed 148 ~~47~~ hours 57 minutes duty and claimed overtime for 45 hours.

4.21 That, the total duty hours of the applicant from 27.2.84 to 11.3.84 came to 152 hours 44 minutes and he claimed overtime for 49 hours. During the period from 12.3.84 to 25.3.84, the applicant performed duty from 12.3.84 to 15.3.84 for 65 hours thereafter he was on

Contd...P/10.

G. P. Limb

authorised absence of period rest and earned leave and he claimed overtime allowance on the basis of prescribed instructions of computing overtime in such circumstances which amounted to 33 hours of overtime for the said period.

4.22 That, from 26.3.84 to 8.4.84 the applicant performed performed 179 hours 12 minutes duty and claimed overtime for 75 hours. During the period from 9.4.84 to 22.4.84 he performed 116 hours 31 minutes duty and claimed overtime for 13 hours.

4.23 That during the period 23.5.84 to 22.6.84 no extra hours of work was performed and therefore no overtime was claimed.

4.24 That, from 23.6.84 to 6.7.84 the applicant ^{performed} 252 hours 30 minutes duty and claimed overtime for ~~149~~ hours overtime. In the period from 7.7.84 to 26.7.84 he performed 213 hour 33 minutes duty and claimed for 110 hours of overtime.

4.25 That, in the period from 21.7.84 to 3.8.84 the totoal duty performed by the the applicant was 133 hours 17 minutes and he claimed overtime for 29 hours, From 4.8.84 to 17.8.84 he performed 110 24 minutes and claimed overtime for 6 hours.

4.26 That, during the period from ~~21~~ 18.8.84 to 31.8.84 the applicant performed 157 hours 20 minutes duty and claimed overtime for 53 hours. In the period forom 1.9.84 to 14.9.84 he performed duty for 220 hours 40 minutes and claimed overtime for 117 hours.

Contd...P/11.

SP. Linka

4.27 That, from 26.10.84 to 8.11.84 the applicant performed 221 hours duty and claimed overtime for 117 hours. In the period from 9.11.84 to 22.11.84 he performed duty for 181 hours and claimed overtime for 77 hours.

4.28 That, during the period from 23.11.84 to 6.12.84 the applicant performed 173 hours ~~23~~ 42 minutes ^{duty} and claimed overtime for 70 hours. From 7.12.84 to 20.12.84 he performed 145 hours 24 minutes duty and claimed overtime for 41 hours.

4.29 That, from 1.1.85 to 14.1.85 the applicant performed 200 hours duty and claimed overtime for 96 hours. From 15.1.85 to 28.1.85 he performed duty upto 19.1.85 and was on preparatory leave and duty hours came to 86 ~~hmm~~ hours, on the basis of proportion and claimed overtime for 54 hours.

4.30 That, from ~~29.1.85 to 11.2.85~~ 29.1.85 to 11.2.85 the applicant performed 189 hours duty and claimed overtime for 85 hours. From 12.2.85 to 21.2.85 he performed he performed some duty and then fell sick. The total duty hours performed ~~h~~ came to 110 hours and on the basis of proportion he claimed overtime for 33 hours.

4.31 That, from 26.2.85 to 11.3.85 the applicant performed 171 hours 36 minutes duty and claimed overtime for 68 hours. From 12.3.85 to 25.3.85 the applicant performed duty on 12th and 13th and his periodic rest was on 14.3.85. Thereafter he fell sick. The total duty performed by him was 39 hours and on the basis of proportion he claimed for 23 hours overtime.

4.32 That, from 26.3.85 to 8.4.85 the applicant continued

Contd...P/12.

SP. Sinha

to be sick on 26th and 27th march and thereafter he performed 138 hours duty and the basis ~~of~~ of proportion he claimed for ~~50~~ hours of overtime. From 9.4.85 to 24.4.85 the applicant performed 205 hour 30 minutes duty and claimed overtime for 102 hours.

4.33 That, during the period from 27.4.85 to 10.5.85 the duty hours of the applicant was 174 hours and he claimed overtime for 70 hours. From 11.5.85 to 24.5.85 he performed duty ~~for~~ from 11.5.85 to 18.5.85 and from 19.5.85 to 24.5.85 he was sick and the total duty hours came to 105 hours and on the basis of proportion he claimed overtime for 49 hours.

4.34 That, from 9.8.85 to 22.8.85 the ~~p~~ applicant performed 98 hours duty and there was no claim overtime. From 23.8.85 to to 5.9.85 he performed 165 hours duty and ^{on 4.9.85} was on casual leave/ and on the basis of proportion his claim for overtime was for 69 hours.

4.35 That, from 6.9.85 to 19.9.85 the applicant was on casual leave for two days on 6.9.85 and 17.9.85 and for the rest period he performed 155 hours duty and on the basis of proportion he claimed 68 hours of overtime. From 20.9.85 to 3.10.85 the applicant was absent for 2 days and during the balance days he performed duties for ~~131~~ hours 55 minutes and deducting 2 days rest hours ~~from~~ from prescribed hours he claimed for 84 hours overtime.

4.36 That, from 4.10.85 to 17.10.85 the applicant was on rest on 7.10.85 to 12.10.85 and was on sick list from 13.10.85 to 17.10.85 and performed duty during the balance days for 130 hours on the basis of proportion claimed for 73 hours.

SP. Simla

4.37 That, from 1.11.85 to 14.11.85 the applicant was on rest 6.11.85 & 11.11.85 and was on casual leave on 12.11.85 and his total duty hours came to 194 hours and he claimed over time for 98 hours on proportionate basis. From 15.11.85 to 28.11.85 the applicant availed rest on 19.11.85, 24.11.85 and availed casual leave on 25.11.85 to 28.11.85 and performed 154 hours 55 minutes duty and claimed overtime of 83 hours on proportionate basis.

4.38 That, from 29.11.85 to 12.12.85 the applicant availed casual leave from 29.11.85 to 4.12.85 and availed rest on 5.12.85 and 11.12.85 and he performed duty on the balance days for 104 hours 25 minutes and on the basis of proportion claimed overtime for 48 hours. From 13.12.85 to 26.12.85 he performed duty from 13.12.85 to 20.12.85 and was on weekly rest on 21.12.85, on casual leave on 25.12.85 and 26.12.85 and was sick from 22.12.85 to 24.12.85. He again performed duty on 25.12.85 and his total duty hours during the fortnight came to 138 hours and on the basis of proportion he claimed 53 hours overtime.

4.39 That, from 25.1.86 to 7.2.86 the applicant performed 161 hours 52 minutes duty and claimed overtime for 58 hours. From 8.2.86 to 21.2.86 he performed 130 hours 45 minutes of duty and claimed overtime for 27 hours.

4.40 That, from 22.2.86 to 7.3.86 the applicant performed 213 hours 30 minutes duty and claimed overtime for 110 hours. From 8.3.86 to 21.3.86 the applicant performed 206 hours ~~and~~ 52 minutes duty and claimed overtime for 103 hours.

4.41 That, from 21.3.86 to 4.4.86 the applicant performed 153 hours duty and claimed overtime for 49 hours. From

G.P. Singh Contd .. P/14.

From 5.4.86 to 18.4.86 he performed 151 hours duty and claimed overtime for 47 hours.

4.42 That, from 18.4.86 to 2.5.86 the applicant performed duty for 130 hours and claimed overtime for 26 hours. From 3.6.86 to 16.6.86 he performed 159 hours duty and claimed overtime for 55 hours.

4.43 That, from 17.5.86 to 30.5.86 the applicant performed 171 hours duty and claimed overtime for 67 hours. From 1.6.86 to 14.6.86 he was sick and no overtime was claimed.

4.44 That, from 15.6.86 to 27.6.86 the applicant performed 155 hours ~~duty~~ 36 minutes duty and claimed 60 hours overtime. From 28.6.86 to 11.7.86 he performed 153 hours ~~duty~~ 57 minutes duty and claimed overtime for 50 hours.

4.45 That, from 23.7.86 to 5.8.86 the applicant performed 167 hours duty and claimed overtime for 63 hours. From 6.9.86 to 19.8.86 he performed 211 hours duty and claimed overtime for 107 hours.

4.46 That, 20.8.86 to 2.9.86 the applicant performed 137 hours duty and claimed overtime for 33 hours. From 3.9.86 to 16.9.86 he performed 132 hours 30 minutes duty and claimed overtime for 29 hours.

4.47 That, from 17.9.86 to 30.9.86 the applicant performed 95 hours duty and 10.1 overtime for 33 ~~hours~~. the fortnight was claimed. From 21.1.19.86 to 14.10.86 his duty was 125 hours 30 minutes and he claimed overtime for 22 hours.

Contd... P/15.

G.P. Silva

4.48 That, from 15.10.86 to 28.10.86 the applicant performed 156 hours 50 minutes duty and claimed overtime for 52 hours. From 29.10.86 to 11.11.86 he performed 131 hours 49 mts duty and claimed overtime for 28 hours.

4.49 that ~~the~~ applicant performed 154 hours 45 mts duty between 12.11.86 to 25.11.86 and claimed overtime for 51 hours. From 26.11.86 to 9.12.86 the performed 184 hours duty and claimed overtime for 60 hours.

4.50 That, from 1.1.87 to 14.1.87 the applicant performed 135 hours duty and claimed overtime for 31 hours. From 15.1.87 to 28.1.87 he performed 125 hours 45 minutes duty and was on leave for 5 days and on proportionate basis his overtime duty was 62 hours and he claimed for 62 hours overtime.

4.51 That, from 29.1.87 to 11.2.87 the applicant ~~performed~~ was on leave for 9 days and performed duty thereafter for 81 hours. Taking the weightage of proportionate basis he claimed overtime for 49 hours. From 12.2.87 to 25.2.87 he performed duty for 171 hours and claimed overtime for 67 hours.

4.52 That, from 26.2.87 to 11.3.87 the applicant performed 199 hours 50 mts duty and claimed overtime for 96 hours. From 12.3.87 to 25.3.87 he performed 183 hours 50 mts duty and claimed overtime for 80 hours.

4.53 That, from 26.3.87 to 8.4.87 the applicant was on casual leave for one day and performed 160 hours 45 mts duty and taking the proportionate weightage claimed overtime for 65 hours. from 9.4.87 to 22.4.87

he performed 204 hours 50 mts duty and claimed overtime for 101 hours.

4.54 That, from 23.4.87 to 6.5.87 the applicant was sick for 7 days and performed duty for 76 hours 45 mts and on the basis of proportion he claimed overtime for 29 hours. From 7.5.87 to 20.5.87 he was sick and no over time was claimed.

4.55 That, from 21.5.87 to 3.6.87 the applicant continued to be sick and did not claim any overtime. From 4.6.87 to 17.6.87 he was sick for 5 days and thereafter performed duty for 98 hours. Taking proportionate weight claimed for 32 hours overtime.

4.56 That, from 18.6.87 to 30.6.87 the applicant ^{performed} 208 hours 55 mts duty and claimed overtime for 105 hours.

4.57 That, from 1.7.87 to 14.7.87 the applicant performed 217 hours duty and claimed overtime for 113 hours.

4.58 That, from 15.7.87 to 28.7.87 the applicant performed duty for 156 hours and was sick for 4 days. Taking proportionate credit he claimed overtime for 84 hours. From 29.7.87 to 11.8.87 he was sick for 6 days and performed duty thereafter and there was no overtime.

4.59 That, from 12.8.87 to 25.8.87 on overtime was performed by the applicant. From 26.8.87 to 8.9.87 he was on leave for 4 days and performed duty for 123 hours thereafter and claimed overtime for 51 hours on the basis of weightage.

4.60 That, from 9.9.87 to 22.9.87 the applicant performed duty for 298 hours and claimed overtime for 194 hours. From 23.9.87 to 6.10.87 he performed duty for 197 hours and claimed overtime for 93 hours.

SP. India

4.61 That from 7.10.87 to 20.10.87 the applicant performed duty for 191 hours 50 mts and claimed overtime for 88 hours. From 21.10.87 to 3.11.87 he performed 182 hours duty and claimed overtime for 78 hours .

4.62 Thst, ~~xxx~~ from 4.11.87 to 17.11.87 the applicant performed 110 hours duty and claimed overtime for 6 hours. From 18.11.87 to 1.12.87 he performed 95 hours duty and no overtime was claimed.

4.63 That, from 1.1.88 to 14.1.88 the applicant performed 96 hours duty and no overtime was claimed. From 15.1.88 to 28.1.88 the applicant performed 193 hours ~~20~~ ~~xxx~~ duty and claimed overtime for 89 hours.

4.64 That, from 29.1.88 to 11.2.88 the applicant performed 194 hours 20 mts duty and claimed for 90 hours. From 12.2.88 to 25.2.88 he performed duty for 218 hours 55mts and claimed overtime for 115 hours.

4.65 From 26.2.88 to 10.3.88 the applicant performed duty for 161 hours 20 mts and claimed overtime for 57 hours. From 11.3.88 to 24.3.88 he performed duty for 211 hours 15 mts and claimed overtime for 107 hours.

4.66 That, from 25.3.88 to 7.4.88 the applicant performed 192 hours 55 mts duty and claimed overtime for 89 hours. From 8.4.88 to 21.4.88 he performed duty for 225 hours 25 mts and claimed overtime for 121 hours.

4.67 That, from 22.4.88 to 5.5.88 the applicant performed duty for 141 hours 20 mts and claimed overtime for 37 hours. From 6.5.88 to 19.5.88 he was on leave for 3 days and taking proportionate credit his duty hours came to 175 hours and he claimed overtime for 70 hours.

4.68 That, from 20.5.88 to 2.6.88 the applicant was on leave and there was no over time. From 3.6.88 to 16.6.88 he was on leave for 1 day and thereafter performed 200 hours duty and taking the weightage claimed overtime for 104 hours.

4.69 That, from 17.6.88 to 30.6.88 the applicant performed duty for 42 hours ^{on} 17.6.88 and 18.6.88 and thereafter fell sick. Taking proportionate weightage he claimed overtime for 27 hours. From 1.7.88 to 14.7.88 he was sick for 3 days and thereafter performed duty for 181 hours and taking proportionate credit claimed overtime for 101 hours.

4.70 That, from 15.7.88 to 28.7.88 the applicant was sick for 7 days and then performed duty for 90 hours 40 minutes. Taking proportionate credit he claimed for 51 hours overtime. From 29.7.88 to 11.8.88 there was no overtime duty performed by the applicant.

4.71 That, from 12.8.88 to 25.8.88 the applicant was ~~xx~~ sick upto 13.8.88 and thereafter performed duty for 172 hours 25 mts and claimed for 84 hours overtime after taking proportionate credit.

4.72 That, from ~~22~~ 9.9.88 to 22.9.88 the applicant performed 207 hours 50 mts duty and claimed overtime for 104 hours. From 23.9.88 to 6.10.88 he performed duty for 196 hours 40 mts and claimed overtime for 94 hours.

4.73 That, during the period from 7.10.88 to 20.10.88 the applicant performed duty for 138 hours 40 mts and then fell sick for 5 days and claimed overtime for 75 hours after taking propotionate credit. During the period from

Contd ...P/19.

S.D. Pindla

21.10.88 to 3.11.88 the applicant continued to be sick upto 18.10.88 and thereafter he performed duty for 109 hours and taking the credit of weightage he claimed overtime for 16 hours.

4.74 That, from 4.11.88 to 14.11.88 the applicant claimed overtime for 34 hours. From 18.11.88 to 1.12.88 no overtime duty was performed by the applicant.

4.75 That, from 2.12.88 to 15.12.88 the applicant performed 190 hours 30 mts duty and claimed overtime for 87 hours. From 16.12.88 to 29.12.88 he performed 245 hours ~~duty~~ 50 mts duty and claimed overtime for 142 hours.

4.76 That, for the period from 2.1.89 to 15.1.89 the applicant performed 188 hours 20 mts duty and claimed for 84 hours overtime. From 16.1.89 to 29.1.89 he performed 201 hours 35 mts duty and claimed overtime for 98 hours.

4.77 That, from 30.1.89 to 12.2.89 the applicant performed 149 hours duty and claimed overtime for 45 hours. From 13.2.89 to 26.2.89 he performed duty for 32 hours and then fell sick for 11 days. Taking credit ~~period~~ of authorised absence he claimed overtime for 16 hours.

4.78 That, from 27.2.89 to 12.3.89 continued to be sick on 27.2.89. He took a days casual leave on 5.3.89 and was on weekly rest on 6.3.89. During the balance period he performed duty for 133 hours. Taking proportionate weightage he claimed overtime for 45 hours. From 13.3.89 to 26.3.89 he performed duty for 156 hours 53 mts and claimed overtime for 53 hours.

4.79 That, from 23.4.89 to 6.5.89 the applicant performed 205 hours 35 minutes duty and claimed overtime for 102 hours.

D. P. S. P.

-20-

From 7.5.89 to 21.5.89 he performed 262 hours duty and claimed overtime for 158 hours.

4.80 That, from 22.5.89 to 4.6.89 the applicant performed 246 hours duty and claimed overtime for 142 hours. From 5.6.89 to 18.6.89 he performed 138 hours 50 minutes duty and claimed overtime for 35 hours.

4.81 That, from 19.6.89 to 2.7.89 the applicant performed 226 hours 35 mts duty and claimed overtime for 123 hours. From 3.7.89 to 16.7.89 he claimed overtime for 7 hours only.

4.82 That, from 17.7.89 to 30.7.89 the applicant was sick for 4 days and then performed duty for 161 hours 30 mts and with proportionate credit claimed overtime for 90 hours. From 31.7.89 to 13.8.89 the applicant performed duty for 190 hours and claimed overtime for 86 hours.

4.83 That, 14.8.89 to 28.8.89 the applicant was on casual leave for 2 days and ~~then~~ performed duty and performed duty for 195 hours 15 mts and taking proportionate credit claimed for 107 hours overtime. from 29.8.89 to 11.9.89 He was sick for 5 days and performed duty for 88 hours and on the basis of weightage claimed overtime for 8 hours.

4.84 That from 12.9.89 to 26.9.89 the applicant performed duty for 249 hours 40 mts and claimed overtime for 146 hours. From 27.9.89 to 10.10.89 he performed duty for 121 hours and was sick 2 days and taking proportionate credit claimed overtime for 34 hours.

4.85 That, from 8.11.89 to 21.11.89 the applicant was sick for 8 days and performed duty for 118 hours and on the basis of weightage claimed overtime for 78 hours. From 22.11.89 to 5.12.89 he performed duty for 112 hours and claimed overtime for 8 hours.

SP. P. M. L.

Contd ...P/21.

4.86 That, from 6.12.88 to 19.12.89 the applicant performed duty for 175 hours and claimed overtime for 71 hours. From 20.12.89 to 2.1.90 he was on leave for 2 days and performed duty for 217 hours. Taking proportionate credit he claimed overtime for 129 hours.

4.87 That, as no overtime vouchers/journals were prepared by the office of the Senior Section Engineer, Electrical/Air Condition and overtime allowance paid to the applicant, the applicant prepared overtime vouchers/journals to the office of the Senior Section Engineer, Electrical, Air condition, (Respd. No.5) ~~xxx~~ monthly but the overtime allowance was paid to him. After the decision of this Hon'ble Tribunal in O.A. No. 135(G)/89 the Respondent No.5 verbally asked the applicant supply the copies of the overtime vouchers/journals and the applicant submitted the copies available with him and at present not in possession of entire copies of the time vouchers which are available with the respondents.

4.88 That, the respondent No 5 certified and signed the overtime vouchers and submitted to the appropriate authority for payment.

4.89 That, the applicant begs to submit that the consolidated year wise overtime allowance claim of the applicant stands as under:-

Year	Period	Amount	Annexure
1984	2.1.84 to 20.12.84	Rs.10,052.22	A/4.
1985	1.1.85 to 26.12.85	Rs.13,244.38	A/5.
1986	25.1.86 to 9.12.86	Rs.13,616.14	A/6.
1987	1.1.87 to 1.12.87	Rs.21,520.76	A/7.
1988	1.1.88 to 29.12.88	Rs.32,555.38	A/8.
1989	2.1.89 to 2.1.90	Rs. 29,191.07	A/9.

Contd..P/22.

G.P.inda

Statements showing the fortnightly claim for overtime allowance yearwise have been tabulated and annexed as Annexure A/4, A/5, A/6, A/7, A/8 & A/9 respectively.

4.90 That, as the applicant was paid only Rs. 13,756.77 and Rs. 4,240 in two separate instalments against the claim of Rs. 120179.95, the applicant had to approach the Hon'ble Tribunal again by filing a fresh application which was registered as O.A.No. 261/93. The Hon'ble Central Administrative Tribunal, Guwahati, by its orders dated 28.6.96, disposed the O.A.No. 261/93 with, inter-alia, following direction:-

" The respondents are directed to reexamine afresh on merits the claim of the applicant ~~for~~ for payment of overtime allowance of Rs. 1,20,179.79 for periods indicated above and to issue a final order in respect of the claim after taking into consideration the facts of the case, the instructions dated 13.01.77 and dated 27.06.85 aforesaid and relevant rules ^{and} instructions of the Railway Board in this regard as applicable at the time of respective journeys performed by the applicant. The respondents are further directed to issue a speaking order in compliance of the above direction within three months of the date of receipt of this order by the respondent No.1 "

A copy of the said order dated 28.6.96 is annexed as Annexure A/10.

4.91 That, no action was taken by respondent to implement the Hon'ble Tribunal's orders dated 28.6.96 even after 1 year

CP. Sinha

the applicant had to file Contempt Petition No. 9 of 1997 on 16.7.97.

4.92 That, by orders dated E/GHY/Con/17/826 dated 2.9.97, the Divisional Electrical Engineer, N.F. Railway, Guwahati (Respdt. No.4) ~~was~~ informed the applicant ;inter-alia, that the applicant's claim was earlier disposed of by crediting 50% of the travel time towards duty hours and on further further consideration of the claim it had been decided that in computing duty hours full time spent on outward and return journey should be credited for the purpose of granting overtime allowance. But the claim for overtime allowance reckoning the idle period of rest in the out station is not justified in terms of Railway Board's letter No. E(LL)83/HER-1-II dated 27.6.85 . The applicant was advised that the claim has been reexamined and the portion of claim considered genuine had been decided for payment. The applicant was further advised to intimate if he had anything about the decision.

A copy of the order dated 2.9.97 is annexed as Annexure A/11.

4.93 That, the applicant on 10.9.97 informed the Divisional Electrical Engineer, N.F. Railway, Guwahati (Respdt. No.4) that there was no system of taking over and making over charge by the destination staff was not there on any occassion nor there was any case of his Air Condition coach being detached enroute from the train.

A copy of the applicant's letter dated 10.9.97 is annexed as Annexure A/12.

Contd ... P/24.

S.P.inda

4.94 That, in view of the order passed by the Divisional Electrical Engineer, Electrical, N.F.Railway, Guwahati dated 2.7.97 the applicant withdrew the contempt application No 9/97. The Hon'ble Tribunal gave liberty to the applicant to file fresh application regarding non assment in the order dated 2.7.97.

A copy of the Tribunal orders dated in C.P.

No 9/97 dated 25.5.98 is annexed as Annexure A/13.

4.95 That, no payment, as assured in order dated 2.9.97 (Annex A/11) was made nor any assessment was made for the period of duty at destination was made even after lapse of about 1 year from the date of issue of order dated 2.9.97. Ultimately the applicant had to file another fresh O.A. No. 200/98 on 21.8.98. The Hon'ble ^{Tribunal} was kind to dispose the O.A. No. 200/98 by its orders dated 5.5.99 with the direction to the General Manager, N.F.Railway ~~to~~ as under:-

" to issue a final order determining the admissibility of payment of overtime allowance claimed by the applicant after he personally hear the applicant. He shall communicate the orders containing reasons and details to the applicant 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"

A copy of the Hon'ble Tribunal's orders dated 5.5.99 in O.A.No. 200/98 is annexed as Annexure A/14;

Contd ...P/25.

CP. file

4.96 That inspite of specific direction of the Hon'ble Tribunal in its order dated 5.5.99(Annexure A/14) no action was taken and the applicant had to move contempt petition No.33/2000 in August "000. On receipt of contempt notice the General Manager N.F.Railway instructed the higher authorities ^{at} ~~and~~ the petitioner was asked to attend the office of the General Manager, N.F.Railway on 21.12.2000 and the ~~petitioner~~ applicant attended the office of the General Manager, N.F.Railway, Maligaon. The General Manager N N.F.Railway, Maligaon, granted him an interview and asked about his grievances in respect of non-payment of overtime allowances and ^{the applicant} ~~prayed~~ for balance portion of the overtime allowance . The General Manager, N.F.Railway advised the applicant to submit an application of the matter. The applicant submitted an application dated 29.12.2000 praying for payment of overtime allowance for the entire period of journey from home station to return to home station because there was no provision of rest house and nobody took charge from the applicant at the out station, of the stores and coach at out station.

A copy of the said application dated
29.12.2000 is annexed as Annexure-A/15.

4.97 That, the General Manager, N.F.Railway, Maligaon under his letter No. E/170/Legal cell/853/2000 dated 10.1.2001 that as per Railway Board's letter No. E(LL)73/HER/26 dated 13.1.77 and the Hon'ble Central Administrative Tribunal's directive full weightage had been given for the period spent on travelling in duty and 25% credit had been given for the time spent at out station, in terms of Railway Board's No. E(LL)83/HER/1-2 dated 27.6.85. And on these basis the applicant's overtime allowance claim ~~and~~ total sum of

G. Phinla

Contd ..P/26

sum of Rs. 68416/- found admissible against which Rs.17997/- had already been paid and the balance amount of Rs.50,419/- was to be paid and had been processed for payment. The applicant has been paid the sum of Rs.50,419 thereafter.

A copy of the letter dated 10.1.2001 is annexed as Annexure A/16.

4.98 That, the General Manager, N.F. Railway, Maligaon did not explain why and how the claim of the applicant came down from 1,20,779.95 to Rs.68,416 only. Nor he pointed out any mistake in the computation of overtime hours which was certified to be correct by the respondent no 5, the authorised official for the purpose. The General Manager, N.F. Railway also did not make any observation as to why only 25% of the period of journey at out station is to be computed towards duty when the Railway Board's Orders in letter No. E(LL)83/HER/1-2 dated 27.6.85 was not implemented by making arrangement for taking over charge of the air conditioned coach and the stores and linens etc. AS such the applicant made a representation to the General Manager, N.F. Railway, Maligaon pointing out that the no arrangement for taking over the charge of the air condition coach and the stores and linens were made in the relevant period at the out station and requested for giving full credit for the period at out station and also to furnish the time credited on journey fortnightly basis . No reply has been received by the applicant.

A copy of the applicants representation dated 3.2.2001 is annexed as Annexure A/17.

4.99. That, The Hon'ble Tribunal in its orders dated

contd

...P/27.

SP. Hindu

25.5.2001 disposed of the contempt Petition No 33/2000 as the order of the Hon'ble Tribunal was implemented. The Hon'ble Tribunal also observed that the applicant will be entitled to impugn the letter of the General Manager, N.F.Railway if he is not satisfied with it.

A copy of the orders of the Hon'ble
Tribunal dated 25.5.2001 in CP/33 is
annexed as Annexure A/18.

5. Grounds for relief:

5.1 That, the applicant is entitled to be paid the entire amount ORs. 1,20,179.95 as the authorised official certified the performance of the duty by the applicant and signed the same.

5.2 That, the period at out station is also a part of the travelling in as much as the duty of the applicant ceases only when he signoff ~~at~~ after returning to his home station.

5.3 That the duty hours performed and claimed by the applicant was signed and certified by his superior the Senior Section Engineer/Electrical, Air Condition, N.F.Railway, Guwahati.

5.4 That no arrangement for taking over of the charge of the air condition coach and the stores and linens by the maintenance staff of the destination station was made in terms of the Railway Board's letter No. E(LL)83/HER/1-2 dated 27.5.85 and as such crediting only 25% of the period at out station as has been done by the general Manager, N.F.Railway is wrong

and the applicant is entitled to the entire period of duty at out station to be counted as duty for computing the overtime performed by the applicant in terms of Railway Board's letter No E(LL)73/HER/26 dated 13.1.77 (Annex-A/2.).

5.5 That against the claim of Rs.1,20,179.95 only a sum of Rs.68,416/- has been paid to the applicant which is only about 58% of his claim. But the General Manager, N.F.Railway ^{did not indicate} which portion of the applicant's claim for overtime was not admissible and why even after the applicant requested for the same vide his representation dated 3.2.2001 (Annexure A/17.)

5.6 That, the respondents never applied their mind in the claim for overtime allowance by the applicant as is evident from the fact that in O.A.No 139(G)/89 they contended that the ACCIs and ACC Attendants are not entitled to any overtime allowance. When the Hon'ble Tribunal in its judgement and orders dated 31.10.90 held that they are entitled and directed payment of overtime allowance to the applicant only a sum of Rs.13,766.77 was paid as full and final payment. Again when the Hon'ble Tribunal directed to dispose of the representation a further sum of Rs.4,240/ was paid as full and final payment. Thereafter when again the Hon'ble Tribunal directed to treat the whole period of travel as duty in terms of Railway Board's letter No E(LL)73/HER/26 dated 13.1.77 a further sum of Rs.50,419/- has been found admissible.

5.7 That, the applicant is ^{entitled} to the entire amount of Rs.1,20,179.95 paise as he has performed the duty and is entitled to the same under the rules and instructions of the Railway Board.

6. Details of the remedies exhausted:

That the applicant has represented to the General Manager, N.F. Railway, Maligaon (Respondent No.2) on 3.2.01 but no reply has been given to him.

7. Particulars of previous applications etc:

The applicant filed O.A.No135(G)/89, O.A.no.261/93 and O.A.No.200/98 and the Hon'ble Tribunal was pleased to direct payment of overtime allowance but as only a part of the overtime allowance claimed was paid the present application is filed in terms of the Hon'ble Tribunal's observation in order dated 25.5.2001 in C.P.No.33/2000.

8. Relief Sought:

On the facts and circumstances submitted above the applicant humbly prays:-

That the Hon'ble ^{Tribunal} may be graciously pleased to call for the records and issue a direction to ~~that~~ the respondents to treat the entire period from signing on at the start of the journey in originating station to signing off on return to originating station and to pay the entire amount of Rs. 1,20,179.95 against which only part payment of Rs.13,756.77, Rs.4,240/- and Rs. 50,419/- have been made with 12% interest from the date these amount became due and such other relief as the Hon'ble Tribunal deem fit.

And for this act of kindness the applicant as duty bound shall ever pray.

Contd ... P/30.

G.P. Minda

9.

Interim relief:

- 30 -

NIL

10.

Particulars of application fee:

Indian Postal Order No. 7G 548549 dated 13.8.2001
for Rs. 50/-(fifty) only is enclosed.

11.

Particulars of enclosures:

As in index.

VERIFICATION

I, Shri Shanhar Prasad Sinha, son of late Atul Chandra Sinha, aged about 58 years, residing in Railway Qrs. No. T 50/B Railway Station Colony, Guwahati-781001, do hereby ^{verify} that the contents of paragraphs 4, 6, 7 and 10 are true to my knowledge and belief and those in paragraphs 2 and 3 are believed to be true on legal advice and rests are my submissions before the Hon'ble Tribunal and I have not suppressed any material fact.

And I sign this verification on 29th day of August 2001.

Date 29.8.01

Place Guwahati

SP. Sinha

Signature of the applicant

.....

SP. Sinha

31.

Annex A/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

O.A.No.135(G) of 1989

Date of decision: The 31st day of October, 1990.

Shri Sankar Prasad Sinha, son of late Atul
Chandra Sinha, aged about 45 years, residing
at Qr. No.508, Station Railway Colony,
Guwahati-1

.... Applicant

-Versus-

1. Electrical Foreman (Air Condition), N.F.
Railway, Guwahati, District Kamrup, Assam.
2. Assistant Electrical Engineer, N.F. Railway,
Maligaon, Guwahati, District Kamrup, Assam
3. Divisional Electrical Engineer, N.F. Railway,
Lumding, District Nagaon, Assam
4. Chief Electrical Engineer, N.F. Railway,
Maligaon, Guwahati
5. General Manager, N.F. Railway, Maligaon,
Guwahati, District Kamrup, Assam
6. The Union of India (represented by the
General Manager, N.F. Railway, Maligaon,
Guwahati).

.... Respondents

For the applicant

: Mr. B. Banerjee and
Mr. A. Dasgupta, Advocates

For the respondents

: Mr. S. Huda, Standing Counsel

C O R A M:

THE HON'BLE SHRI K.P. ACHARYA, VICE-CHAIRMAN

AND

THE HON'BLE SHRI J.C. ROY, ADMINISTRATIVE MEMBER

1. Whether reporters of local papers may be allowed to
see the judgment?
2. To be referred to the reporters or not? *no*
3. Whether Their Lordships wish to see the fair copy
of the judgment?

.....

Attested
[Signature]
A. Dasgupta, Advocate
Guwahati, Assam

32
JUDGMENT

39
ACHARYA.J.

In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a decree entitling him to overtime allowance and the opposite parties be directed to make payment to the petitioner for the work rendered by him beyond the scheduled time as overtime allowance.

2. Shortly stated, the case of the petitioner is that he is a Coach Attendant in the Air-conditioned Coach attached to different trains in the N.F. Railway. According to the petitioner, on certain occasions he has been rendering service beyond the scheduled hours of work and has been performing continuous duty beyond the allotted hours of work on certain days and though he is entitled to overtime allowance, the concerned authority has denied this financial facility to him and hence this application with the aforesaid prayer.

3. In their counter the opposite parties maintain that the case is devoid of merit and is liable to be dismissed because two persons alternately work for the effective period of journey and since the duty hours are covered within the prescribed limit that is within one hundred and four hours^{out of} fourteen days the petitioner is not entitled to any overtime allowance and, therefore, the application should be dismissed.

4. We have heard the petitioner in person and so also his counsel. We have also heard Mr. S. Huda, the learned Standing Counsel for the Railway Administration. On behalf of the petitioner reliance was placed on a judgment of the

Hon'ble....

Hon'ble Supreme Court (unreported) forming subject matter of writ petition Nos.1374-84 of 1984 and 15806-26 of 1984 (Amir Hussain and Ors. -Vs- Union of India and Ors.) in which Their Lordships were pleased to hold that there was no justification on the part of the authorities of the Western Railway, Central Railway, Eastern Railway and Northern Railway for denying overtime allowances to Railway Coach Attendants - Incharges. Hence Their Lordships directed the Railway Administration of all the above mentioned Railway to make payment of overtime allowances to the Air-conditioned Coach Incharges - Attendants of the said Railways with effect from 1.7.1984 including those who have retired and ~~was~~ not joined as petitioners. It was hence contended that on the basis of the judgment passed by the Hon'ble Supreme Court in the aforesaid cases contained in Annexure 'A', this Bench should also direct the Opposite parties to make payment not only to the petitioner, but to all others similarly situated. This submission was opposed by Mr. Huda contending that the judgment of the Hon'ble Supreme Court has no application to the Air-conditioned Coach Incharges-Attendants so far as the N.F. Railway is concerned. It was further submitted that the petitioner having performed the duty within the prescribed limits, i.e. within one hundred and four hours out of fourteen days is not entitled to overtime allowance. Undoubtedly, an employee who performs duty for the specified hours as envisaged in the rules is certainly not entitled to overtime allowance and the present petitioner does not put forward a claim on that account so far as the present case is concerned. The prayer of the petitioner is for payment of overtime allowance for rendering service beyond the prescribed hours of duty, and therefore, we find no merit in the aforesaid contention

Attn of....
R. [Signature]
[Signature]

: 3 :

of Mr. Huda. As regards non-application of the judgment of the Hon'ble Supreme Court to the present case we also do not feel inclined to accept the contention of Mr. Huda because if N.F. Railway would have been a party to the above mentioned cases there would have been no occasion for the petitioner to come up before this Bench, because the N.F. Railway would have been bound to make payment.

5. We are bound by the views expressed by the Hon'ble Supreme Court in the cases of the Railways mentioned in the order contained in Annexure 'A'. Following the dictum laid down by Their Lordships in the aforesaid judgment we direct that all Air-conditioned Coach Incharges and Attendants including the present petitioner are entitled to overtime allowance with effect from the date the petitioner and others functioned as such and they are entitled to overtime allowance on the days on which they had rendered service beyond the prescribed hours of duty, and not only they should be paid overtime allowance hereafter, but the arrear amount to which they are entitled, should be paid to them within one hundred twenty days from the date of receipt of a copy of this judgment.

6. Thus the application stands allowed leaving the parties to bear their own costs.

SD/-

MEMBER

31.10.90

SD/-

VICE-CHAIRMAN

31.10.90

Certified to be true copy

Deputy Registrar (Judicial),
Central Administrative Tribunal,
Guwahati Bench.

31/11/92

Annexure A/2

Government of India
Ministry of Railways
(Railway Board)

No. E(LL)73/HR/20

Howrah, dated 13.1.1977.

The General Managers,
All Indian Railways.

Subj: Working hours of Air-conditioned coach
Attendants and Air-conditioned Coach
Incharges working on running trains under
the Hours of Employment Regulations and
for payment of night duty allowance.

Reference under Railway Board's letter No E(LMA)81/Adj/8, dated 7.5.1969 wherein it was decided in consultation with the Ministry of Labour that, the Air-Conditioned Coach Attendants would be classified as continuous under the Hours of Employment Regulations and that in computing their hours of employment, they would be allowed credit in full for such of the time spent in travelling during which they were expected to be fairly busy and for a fraction, say 25% of the time occupied in travelling when they did little or no work. In para 2 of the Railway Board's letter No PC/67/HR-2/15, dated 20.11.1967, it was clarified that ~~xxx~~ in the cases of the non-running travelling staff the time spent on night duty for purposes of payment of Night Duty Allowance shall be reckoned in the same manner and to the same extent as in the period counted as duty under the Hours of Employment Regulations.

2. At the last P.M. meeting held between A.I.R.F. and Railway Board on the 22/23rd September, 1976, the following minutes were recorded:

" Full credit of time spent on running train by the Rake Attendants, Air-Conditioned Coach Attendants, mid-on-generator staff and the Air-conditioned coach Incharges:

It was clarified that weightage for night duty in the case of non-running travelling staff would be given on the same basis on which credit for the time spent in travelling under H.E.R. is given as provided in Subsidiary Instructions 18(11) and 20. After discussion, it was agreed that in the case of air-conditioned coach Incharges and air-conditioned coach Attendants full credit will be given for the time spent in travelling and not 25% as at present".

3. Accordingly, the Ministry of Railways have decided that in computing the hours of employment of the ACC Incharges and ACC Attendants, credit may be allowed in full for such of the time spent by them in travelling. The payment of Night duty allowance to ACC Incharges and ACC Attendants may therefore be regulated in the same manner as indicated above.

4. Necessary steps may be taken to implement the above decisions on your Railway and send a report of action taken in the matter to this office, as early as possible for the information of this Ministry.

5. This issues with the concurrence of the Finance Directorate of the Ministry of Railways. Hindi Version will follow.

6. Please acknowledge receipt.

Attested.

A. L. S.
[Signature]
B. D. S. (General)
Manager, Guwahati 781011

Sd/- A. Ramnathan,
Deputy Director, Establishment (RLT)
Railway Board.

R.B.E. No. 157/85

Subject: HOER—Computation of duty hours of Air-conditioned Coach Attendants and In-charges.

No. E (LL) 83/HER/1-2, dated 27-6-1985

Reference Ministry of Railways letter No. E (LL) 78/HER/69 dated the 21st March, 1979 and your reply thereto.

The question of laying down uniform procedure for computation of duty hours of ACC Attendants and Incharges, from the time they take over charge at the commencement of journey to the time of handing over charge after completing the trip, has been under the examination of the Ministry of Railways.

It has been decided that in the computation of duty hours of these categories of staff, the following procedure should hence forth be adopted :

- (i) The ACC Attendants and the Incharges may be allowed one hour before the commencement of the train journey for completing the pre-departure formalities. Similarly, they may be allowed one hour more after the arrival of the train at their base station for completing the handing over procedures.

For services extending over long distances such as Howrah-Delhi/Amritsar, New Delhi-Bombay, Madras-New Delhi, etc., in order that the working hours of staff are not unduly extended, the links of the staff booked for such services should be so arranged so that staff are booked off at a convenient intermediary station and fresh set booked for further journey. Such arrangements at Mughalsarai on the Howrah-Delhi route, Katlam on Delhi-Bombay route, Kachhet/Nagpur on the G. T. route, etc., should be considered.

- (ii) At out-station, at the end of their outward journey, they may be allowed one hour to complete the procedure for handing over the coach to the outstation maintenance staff. They will hand over the loose items under their possession, e.g. linen tumblers, flasks, etc., to the maintenance staff and take over the same when they take over charges at the commencement of train journey. They may take rest in the AC Coach itself wherever rest facilities have not been made available to them in the nature of a running/rest room. They may be allowed one hour to take charge of the coach from the maintenance staff before the commencement of train journey.
- (iii) As regards AC Coaches detached on route as being mechanically sick, the ACC Attendant should remain with the coach till the coach is attended, made fit and also for the period the coach is moved thereafter to either the base depot or any other terminal from where it is to work a service. The ACC Incharge will, however, return by the first available train to the base depot. No night duty allowance will be payable for this period, but 25% of the time spent in journey while returning to base station will be counted towards duty for the purpose of overtime. ACCA/ACCI detained at the out-station enroute will also be given credit of 25% of the time so spent on such occasion.
- (iv) As regards AC Coaches marked sick at the out-station after the arrival at the out-station, in addition to the duty allowance as allowed in (ii) above, the specific period for which they are required to be present in the coach for attention of the defects, may be reckoned as duty hours for the purpose of overtime allowance.

3. Instructions issued under Board's letter No. E (LL) 73 HER/26 dated the 13th January, 1977 thus stand slightly modified to the extent of the above Instructions.

4. These instructions take effect from the date of issue.

5. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

[Handwritten signature]
[Handwritten signature]

1984

37-

ANNEXURE

A/4

Details claims of overtime allowance for the period from 2.1.84 in respect of Sri S.P. Sinha ACCI.

S.P. Sinha	ACCI	2.1.84-15.1.84	Total	12 x 6.7	=	72.84	0	
		14 days	40 Hrs	28 x 8.10	=	226.80	0	399.64
do	do	16.1.84-29.1.84	Total	12 x 6.7	=	72.84	0	
		14 days	41 Hrs	29 x 8.10	=	234.90	0	247.74
do	do	30.1.84-12.2.84	Total	12 x 6.7	=	72.84	0	
		14 days	44 Hrs	32 x 8.10	=	259.20	0	332.04
do	do	13.2.84-26.2.84	Total	12 x 6.7	=	72.84	0	
		14 days	45 Hrs	33 x 8.10	=	267.30	0	340.14
do	do	27.2.84-11.3.84	Total	12 x 6.7	=	72.84	0	
		14 days	49 Hrs	37 x 8.10	=	299.70	0	372.54
do	do	12.3.84-25.3.84	Total	12 x 6.7	=	72.84	0	
		14 days	33 Hrs	21 x 8.10	=	170.10	0	242.94
do	do	26.3.84-8.4.84	Total	12 x 6.7	=	72.84	0	
		14 days	75 Hrs	63 x 8.10	=	510.30	0	583.14
do	do	9.4.84-22.4.84	Total	12 x 6.7	=	72.84	0	
		14 days	12 Hrs	1 x 8.10	=	8.10	0	80.94
do	do	23.6.84-6.7.84	Total	12 x 7.65	=	91.80	0	
		14 days	149 Hrs	137 x 10.20	=	1397.40	0	1489.20
do	do	7.7.84-20.7.84	Total	12 x 7.65	=	91.80	0	
		14 days	110 Hrs	98 x 10.20	=	999.60	0	1091.40
do	do	21.7.84-3.8.84	Total	12 x 7.65	=	91.80	0	
		14 days	29 Hrs	17 x 10.20	=	173.40	0	265.20
								5344.92

A/4

B/4

M. Datta, (Advocate)
 11/8/84, Guwahati-781010

41... -38-

ATTACHURE A/4 CONTD

Details claims of overtime allowance for the period from 2.1.84 to 20.12.84 in respect of Shri S.P. Sinha ACT

S.P. Sinha	ACCI	<u>4.8.84-17.8.84</u> 14 days	<u>Total</u> 6 Hrs	6 x 7.65	= 45.90
do	do	<u>18.8.84-31.8.84</u> 14 days	<u>Total</u> 53 Hrs	12 x 7.65 41 x 10.20	= 510.00
do	do	<u>1.9.84-14.9.84</u> 14 days	<u>Total</u> 117 Hrs	12 x 7.65 105 x 10.20	= 1162.80
do	do	<u>26.10.84-8.11.</u> 14 days	<u>Total</u> 117 Hrs	12 x 7.65 105 x 10.20	= 1162.80
do	do	<u>9.11.84-22.11</u> 14 days	<u>Total</u> 77 Hrs	12 x 7.65 65 x 10.20	= 754.80
do	do	<u>23.11.84-6-12</u> 14 days	<u>Total</u> 70 Hrs	12 x 7.65 58 x 10.20	= 683.40
do	do	<u>7.12.84-20.12</u> 14 days	<u>Total</u> 41 Hrs	12 x 7.65 29 x 10.20	= 387.60

4707.30

(+) 5344.92

10,052.22

A/16/85

D. Dutta

D. Dutta, (Advocate)
Calcutta, Guwahati-781011

1985 39

ANNEXURE A/5

Details claims of overtime allowances for the period from 1.1.85 to 26.12.85 in respect of Sri S.P.Sinha ACCI

S.P.Sinha	ACCI	1.1.85-14.1.85 14 days	Total 96 Hrs	12 x 7.48 84 x 9.98	=	89.76 838.32	0	928.08
do	do	15.1.85-28.1.85 14 days	Total 54 Hrs	12 x 7.48 42 x 9.98	=	89.76 419.16	0	508.90
do	do	29.1.85-11.2.85 14 days	Total 85 Hrs	12 x 8.34 73 x 11.12	=	100.08 811.76	0	911.84
do	do	12.2.85-25.2.85 14 days	Total 38 Hrs	12 x 8.34 26 x 11.12	=	100.08 291.12	0	391.20
do	do	26.2.85-11.3.85 14 days	Total 68 Hrs	12 x 8.34 65 x 11.12	=	100.08 622.72	0	722.08
do	do	12.3.85-25.3.85 14 days	Total 23 Hrs	12 x 8.34 11 x 11.12	=	100.08 122.32	0	222.40
do	do	26.3.85-8.4.85 14 days	Total 59 Hrs	12 x 8.34 47 x 11.12	=	100.08 522.64	0	622.72
do	do	9.4.85-22.4.85 14 days	Total 102 Hrs	12 x 8.34 90 x 11.12	=	100.08 1000.80	0	1110.88
do	do	27.4.85-10.5.85 14 days	Total 70 Hrs	12 x 8.34 58 x 11.12	=	100.08 644.96	0	745.04
do	do	11.5.85-24.5.85 14 days	Total 49 Hrs	12 x 8.34 37 x 11.12	=	100.08 411.44	0	511.52
								6603.38

A/10/85
D. S. S. S.

S. Datta, (A. T. - 10/85)
Manager, Guwahati-18/5/85

40

A 2nd year A/S
C.A.O.

S.P. Sinha	ACCI	9.8.85-27.8.85 14 days	Total Nil	Nil	Nil		
do	do	23.8.85-5.9.85 14 days	Total 69 Hrs	12 x 8.89 57 x 11.86	=	106.68 666.02	0 0 792.70
do	do	6.9.85-19.9.85 14 days	Total 68 Hrs	12 x 8.89 56 x 11.86	=	106.69 664.16	0 0 770.84
do	do	20.9.85-3.10.85 14 days	Total 84 Hrs	12 x 8.89 72 x 11.86	=	106.68 853.92	0 0 960.60
do	do	4.10.85-17.10.85 14 days	Total 73 Hrs	12 x 9.12 61 x 12.16	=	109.44 741.76	0 0 851.20
do	do	18.10.85-31.10.85 14 days	Nil	Nil		Nil	Nil
do	do	1.11.85-14.11.85 14 days	Total 98 Hrs	12 x 9.12 86 x 12.16	=	109.44 1045.76	0 0 1155.20
do	do	15.11.85-22.11.85 14 days	Total 83 Hrs	12 x 9.12 71 x 12.16	=	109.44 863.36	0 0 972.80
do	do	29.11.85-12.12.85 14 days	Total 48 Hrs	12 x 8.53 36 x 11.38	=	102.36 409.68	0 0 512.04
do	do	13.12.85-26.12.85 14 days	Total 58 Hrs	12 x 8.53 46 x 11.38	=	102.36 523.48	0 0 625.84
							6641.22
		All Total (+)	6641.22	+	6603.38	=	13,244.88

A. K. Sinha
D. K. SinhaA. K. Sinha, (Advocate)
Mallabach, Guwahati-781011

1986

-41

Details claims of overtime allowance for the period from 20.1.86 to 7.12.86 in respect of Shri S.P. Sinha AGCT

ANNEXURE A/6

MT

S.P. Sinha AGCT	<u>25.1.86-7.2.86</u>	<u>Total</u>	<u>12 x 9</u>	=	108.00	0	
	14 days	58 Hrs	46 x 12	=	1152.00	0	1260.00
do do	<u>8.2.86-21.2.86</u>	<u>Total</u>	<u>12 x 9</u>	=	108.00	0	
	14 days	27 Hrs	15 x 12	=	180.00	0	288.00
do do	<u>22.2.86-7.3.86</u>	<u>Total</u>	<u>12 x 9</u>	=	108.00	0	
	14 days	110 Hrs	98 x 12	=	1284.00	0	1284.00
do do	<u>8.3.86-21.3.86</u>	<u>Total</u>	<u>12 x 9</u>	=	108.00	0	
	14 days	103 Hrs	91 x 12	=	1092.00	0	1200.00
do do	<u>22.3.86-4.4.86</u>	<u>Total</u>	<u>9.3 x 12</u>	=	108.36	0	
	14 days	39 Hrs	12.4 x 37	=	445.48	0	553.84
do do	<u>5.4.86-18.4.86</u>	<u>Total</u>	<u>9.3 x 12</u>	=	108.36	0	
	14 days	47 Hrs	12.4 x 35	=	421.46	0	523.76
do do	<u>19.4.86-2.5.86</u>	<u>Total</u>	<u>9.3 x 12</u>	=	108.36	0	
	14 days	26 Hrs	12.4 x 14	=	168.56	0	277.32
do do	<u>3.5.86-16.5.86</u>	<u>Total</u>	<u>9.3 x 12</u>	=	108.36	0	
	14 days	55 Hrs	12.4 x 43	=	517.72	0	626.08
do do	<u>17.5.86-30.5.86</u>	<u>Total</u>	<u>9.3 x 12</u>	=	108.36	0	
	14 days	67 Hrs	12.4 x 55	=	662.20	0	770.56
do do	<u>1.6.86-14.6.86</u>	<u>Total</u>					
	14 days	Nil	Nil				Nil
do do	<u>15.6.86-27.6.86</u>	<u>Total</u>	<u>9.3 x 12</u>	=	108.36	0	
	14 days	60 Hrs	12.4 x 48	=	577.92	0	686.28

7484.84

All Total = (6131.30 + 7484.84)
= 13,616.14

A/6

D/20/86

R. Dutta, (Sd/-)
Manager, Guwahati

42

Answer A/c (M)

Details claims of overtime allowance for the period from 25.1.86 in respect of Shri S.P. Sinha ACCI.

S .P. Sinha ACCI	<u>28.6.86-11.7.86</u> 14/days	<u>Total</u> 50Hrs	<u>9.34 x 12 = 108.36</u> <u>124 x 38 = 457.52</u>	= 566.28	
Do do	<u>23.7.86-5.8.86</u> 14 days	<u>Total</u> 63Hrs	<u>9.45 x 12</u> <u>12.60 x 51</u>	= 113.40 = 642.60	0 756.00
do do	<u>6.8.86-19.8.86</u> 14 days	<u>Total</u> 107 Hrs	<u>9.45 x 12</u> <u>12.60 x 95</u>	= 113.40 = 1197.00	0 1310.40
do do	<u>20.8.86-2.9.86</u> 14days	<u>Total</u> 33Hrs	<u>9.45 x 12</u> <u>12.60 x 21</u>	= 113.40 = 264.60	0 378.00
do do	<u>3.9.86-16.9.86</u> 14days	<u>Total</u> 29Hrs	<u>9.45 x 12</u> <u>12.60 x 17</u>	= 113.40 = 214.20	0 327.60
do do	<u>17.9.86-30.9.86</u> 14 days	Nil	Nil		Nil
do do	<u>1.10.86-14.10.86</u> 14 days	<u>Total</u> 22Hrs	<u>10.35 x 12</u> <u>13.80 x 10</u>	= 124.20 = 138.00	0 262.20
do do	<u>15.10.86-28.10.86</u> 14 days	<u>Total</u> 52Hrs	<u>10.60 x 12</u> <u>40. x 14.14</u>	= 127.20 = 565.60	0 692.80
do do	<u>29.10.86-11.11.86</u> 14 days	<u>Total</u> 28 Hrs	<u>10.60 x 12</u> <u>14.14 x 16</u>	= 127.20 = 226.24	0 353.44
do do	<u>12.11.86-25.11.86</u> 14 days	<u>TotalHrs</u> 51Hrs	<u>10.60 x 12</u> <u>14.14 x 39</u>	= 127.20 = 551.46	0 678.66
do do	<u>26.11.86-9.12.86</u> 14 days	<u>Total</u> 60Hrs	<u>10.60 x 12</u> <u>14.14 x 48</u>	= 127.20 = 678.72	0 805.92 6131.30

Signature
Rajendra
22/12/86
22/12/86, 01/01/87-781018

Details claims of overtime allowance for the period from 1.1.87 to 1.12.87
in respect of S.P. Sinha ANNEXURE A/7
Acq.

S.P. Sinha	ACCI	<u>1.1.87-14.1.87</u> 14 days	<u>Total</u> 31 Hrs	<u>12 x 10.89</u> <u>19 x 14.52</u>	0	406.56
do	do	<u>15.1.87-28.1.87</u> 14 days	<u>Total</u> 62 Hrs	<u>12 x 10.89</u> <u>49 x 14.52</u>	0	842.16
do	do	<u>29.1.87-11.2.87</u> 14 days	<u>Total</u> 49 Hrs	<u>22 x 10.89</u> <u>37 x 14.52</u>	0	657.92
do	do	<u>12.2.87-25.2.87</u> 14 days	<u>Total</u> 67 Hrs	<u>12 x 10.89</u> <u>55 x 14.52</u>	0	929.28
do	do	<u>26.2.87-11.3.87</u> 14 days	<u>Total</u> 96 Hrs	<u>12 x 10.89</u> <u>84 x 14.52</u>	0	1350.36
do	do	<u>12.3.87-25.3.87</u> 14 days	<u>Total</u> 82 Hrs	<u>12 x 10.89</u> <u>68 x 14.52</u>	0	1118.04
do	do	<u>26.3.87-8.4.87</u> 14 days	<u>Total</u> 65 Hrs	<u>12 x 10.89</u> <u>53 x 14.52</u>	0	900.24
do	do	<u>9.4.87-22.4.87</u> 14 days	<u>Total</u> 101 Hrs	<u>12 x 11.30</u> <u>89 x 15.06</u>	0	1475.94
do	do	<u>23.4.87-6.5.87</u> 14 days	<u>Total</u> 29 Hrs	<u>12 x 11.30</u> <u>17 x 15.06</u>	0	391.62
do	do	<u>7.5.87-20.5.87</u> 14 days	Nil	Nil	0	Nil
do	do	<u>21.5.87-3.6.87</u> 14 days	Nil	Nil	0	Nil
do	do	<u>4.6.87-17.6.87</u> 14 days	<u>Total</u> 32 Hrs	<u>12 x 11.30</u> <u>20 x 15.06</u>	0	436.80

9508.92
(+) 12011.84
21,520.76

A/16/87
R.D.N./5
R. D. N. 14/10/87
Calcutta, Gujarat-781011

- 47

ANNEXURE A/7 (contd)

Details claims of overtime allowance for the period from 1-1-87 to 31-12-87 of Smt S.P. Sinha AGCI.

S.P. Sinha AGCI	<u>18.6.87-25.6.87</u> 14 days	<u>Total</u> 105 Hrs	12×11.30 $93 = 15.06$	=	1536.48
do do	<u>1.7.87-14.7.87</u> 14 days	<u>Total</u> 112 Hrs	12×11.30 101×15.06	=	1656.66
do do	<u>15.7.87-28.7.87</u> 14 days	<u>Total</u> 84 Hrs	12×11.52 15.36×72	=	1248.48
do do	<u>29.7.87-11.8.87</u> 14 days	<u>Total</u> Nil	Nil		Nil
do do	<u>12.8.87-25.8.87</u> 14 days	Nil	Nil		Nil
do do	<u>26.8.87-8.9.87</u> 14 days	<u>Total</u> 57 Hrs	11.52×12 15.36×39	=	737.28
do do	<u>9.9.87-22.9.87</u> 14 days	<u>Total</u> 194 Hrs	11.52×12 15.36×182	=	2933.76
do do	<u>23.9.87-5.10.87</u> 14 days	<u>Total</u> 93 Hrs	11.52×12 15.36×81	=	1382.46
do do	<u>7.10.87-20.10.87</u> 14 days	<u>Total</u> 88 Hrs	11.52×12 15.36×76	=	1305.60
do do	<u>21.10.87-3.11.87</u> 14 days	<u>Total</u> 78 Hrs	11.52×12 15.36×66	=	1142.00
do do	<u>4.11.87-17.11.87</u> 14 days	<u>Total</u> 6 Hrs	11.52×6	=	69.12
do do	<u>18.11.87-1.12.87</u> 14 days	Nil	Nil		Nil

12011.84

A/16/87
B. Dutta, (Advoca)
Barrister, Calcutta-75.11.11

ANNEXURE A/B

45

Details claims of overtime allowance for the period from 1-1-88 to 29-12-88 in respect of Shri S.P. Sinha ACCI

S.P. Sinha	ACCI	1.1.88-14.1.88 14 days	Total Nil	Nil	Nil
do	do	14.1.88-28.1.88 14 days	Total Nil	12 x 12.79	= 3 1502.26
do	do	29.1.88-11.2.88 14 days	89 Hrs	77 x 17.06	= 3 1518.32
do	do	12.2.88-25.2.88 14 days	90.20 Hrs	79 x 17.06	= 3 1944.82
do	do	26.2.88-10.3.88 14 days	Total 115 Hrs	12 x 12.79 103 x 17.06	= 3 955.34
do	do	11.3.88-24.3.88 14 days	57.20 Hrs	45 x 17.06	= 3 1808.30
do	do	25.3.88-7.4.88 14 days	Total 89 Hrs	12 x 12.79 77 x 17.06	= 3 1501.26
do	do	8.4.88-21.4.88 14 days	Total 121.25 Hrs	12 x 12.79 109 x 17.06	= 3 2047.18
do	do	22.4.88-5.5.88 14 days	Total 37 Hrs	12 x 12.79 25 x 17.06	= 3 614.14
do	do	6.5.88-19.5.88 14 days	Total 71 Hrs	12 x 12.79 59 x 17.06	= 3 1194.18
					13,085.80

*Alleged
D.O. 2/1/89*

Noted/checked
(Date 2/1/89) M.K.

P.T.O

Details claims of overtime Allowance For the period from 1-1-88 to 29-12-88 in respect of Srhl S.P. Sinha ACCI.

S.P. Sinha	ACCI	20.5.88-2.6.88 14 days	Total Nil	x	x
do	do	3.6.88-16.6.88 14 days	Total 104 Hrs	12 x 12.79 92 x 17.06	= 8 1757.16
do	do	17.6.88-30.6.88 14 days	Total 27 Hrs	12 x 12.79 15 x 17.06	= 8 409.38
do	do	1.7.88-14.7.88 14 days	Total 101 Hrs	12 x 12.79 89 x 17.06	= 8 1706.00
do	do	15.7.88-28.7.88 14 days	Total 511 Hrs	12 x 13.33 39 x 17.78	= 8 853.38
do	do	29.7.88-11.8.88 14 days	Total Nil	Nil	Nil
do	do	12.8.88-25.8.88 14 days	Total 84 Hrs	12 x 13.33 72 x 17.78	= 8 1475.72
do	do	26.8.88-8.9.88 14 days	Total 146 Hrs	12 x 13.33 134 x 17.78	= 8 2578.08
do	do	9.9.88-22.9.88 14 days	Total 104 Hrs	12 x 13.33 92 x 17.78	= 8 1831.32
do	do	23.9.88-6.10.88 14 days	Total 93 Hrs	12 x 13.33 81 x 17.78	= 8 1635.74
do	do	7.10.88-20.10.88 14 days	Total 75 Hrs	12 x 13.89 68 x 18.52	= 8 1370.48
do	do	21.10.88-3.11.88 14 days	Total 61 Hrs	12 x 13.89 49 x 18.52	= 8 1074.16
do	do	4.11.88-17.11.88 14 days	Total 34 Hrs	12 x 13.89 22 x 18.52	= 8 574.12
do	do	18.11.88-1.12.88 14 days	Total Nil	Nil	Nil
do	do	2.12.88-15.12.88 14 days	Total 87 Hrs	12 x 13.89 75 x 18.52	= 8 1592.72
do	do	16.12.88-29.12.88 14 days	142 Hrs	12 x 13.89 130 x 18.52	= 8 2611.32

19,469.58
13,085.80
32,555.38

*Alleged
D.D. Sinha*

1984-85

Annexure 14.

Details claims of over time allowance for the period from 2.1.89 to 2.1.90 in respect of Shri S.P. Sinha Aced

S. P. Sinha Aced	2.1.89 - 15.1.89	Total	12 x 12.14 = 145.62	} 1250.53
	14 days 34 hrs		72 x 16.18 = 1164.96	
"	16.1.89 - 29.1.89	Total	12 x 12.14 = 145.62	} 1557.12
	14 days 98 hrs		86 x 16.18 = 1411.48	
"	30.1.89 - 12.2.89	Total	12 x 13.53 = 162.35	} 757.67
	14 days 45 hrs		33 x 18.04 = 595.32	
"	13.2.89 - 26.2.89	Total	12 x 13.53 = 162.35	} 234.51
	14 days 16 hrs		4 x 18.04 = 72.16	
"	27.2.89 - 12.3.89	Total	12 x 13.53 = 162.35	} 757.32
	14 days 45 hrs		33 x 18.04 = 595.32	
"	13.3.89 - 26.3.89	Total	12 x 13.53 = 162.35	} 901.99
	14 days 53 hrs		41 x 18.04 = 739.64	
"	27.3.89 - 8.4.89	Nil	Nil	Nil
"	9.4.89 - 22.4.89	Nil	Nil	Nil
"	23.4.89 - 6.5.89	Total	12 x 13.60 = 163.20	} 1795.82
	14 days 102 hrs		90 x 18.14 = 1632.60	
"	7.5.89 - 21.5.89	Total	12 x 13.60 = 163.20	} 2811.64
	14 days 158 hrs		46 x 18.14 = 2648.44	
"	22.5.89 - 4.6.89	Total	12 x 13.60 = 163.20	} 2521.40
	14 days 142 hrs		130 x 18.14 = 2358.20	
				12,588.01

yearly
unit

Atk
R. Dutt
Manager, Accounts
701011

49- - - - - Anupama A/10

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH.

Original Application No. 261 of 1993.

Date of Order : This the 28th Day of June, 1996.

Hon'ble Shri G.L.Sanglyine, Member(Administrative).

Shri Shankar Prasad Sinha,
son of late Atul Ch. Sinha,
resident of Qrs No. 50 B,
Railway Station Colony, Guwahati-1

Applicant

By Advocate Shri R.Dutta.

- Versus -

1. Union of India represented through
General Manager, N.F.Railway,
Maligaon, Guwahati-11.
2. Senior Divisional Electrical Engineer,
N.F.Railway, Lumding,
Dist. Nagaon, Assam.
3. Divisional Electrical Engineer,
N.F.Railway, Guwahati-1.
4. Assistant Electrical Engineer,
N.F.Railway, Guwahati-1.
5. Senior Electrical Foreman, Air Condition,
N.F.Railway, Guwahati-1.

Respondents

By Advocate Shri B.K.Sharma.

O R D E R

G.L.SANGLYINE, MEMBER (A)

Consequent to the order and judgment dated 31.10.90 in C.A.135(G)/89 in which the applicant was declared entitled to over time allowance for the days on which he had rendered services beyond the prescribed hours of duty, the applicant had approached the concerned authorities of the respondents for payment of over time allowance to him to the extent of Rs.1,20,179.79 for the period from 2.1.84 to 2.1.90. The respondents had paid the applicant only Rs.17,997/-. Therefore this C.A. has been submitted by the applicant seeking a direction on

A.K.S.

R. Dutta, (Advocate),
Guwahati, Guwahati-781014

50- 50-
the respondents for payment of the balance amount of over time allowance on the basis of entire period of extra hours of work as calculated by him with interest.

2. The respondents have resisted the application by filing written statement. Their main contention is that the claim of the applicant is not admissible and his calculation is not in conformity with the extant rules. On the other hand the calculation made by them had been done in accordance with the extant rules and procedure laid down in approved duty roster of the AC Coach in-charges. As per approved duty roster issued by the Chief Electrical Engineer, Maligaon the ACC -in-charges were booked to escort each AC coach right from starting station to destination and to return back at Headquarters. The duty roster of the ACCIs was arranged in such a way that each ACCI had to perform for maximum 50% of the duty hours of the total journey period. The claim of over time allowance should therefore be restricted to the extent of 50% period only of the total journey period but the applicant has claimed over time allowance including for idle period or the period of his rest.

3. Learned counsel Mr R.Dutta appearing for the applicant, had contended that the contention of the respondents are not acceptable. The applicant had made his calculation according to rules and he is entitled to the following amount of over time allowance in different periods.

<u>Year</u>	<u>Period</u>	<u>Amount</u>
1984	2.1.84 to 20.12.84	Rs. 10,052.22
1985	1.1.85 to 26.12.85	Rs. 13,244.38
1986	25.1.86 to 9.12.86	Rs. 13,616.14

- 51 -

Annexure A/16 contd

<u>Year</u>	<u>Period</u>	<u>Amount</u>
1987	1.1.87 to 1.12.87	Rs. 21,520.76
1988	1.1.88 to 29.12.88	Rs. 32,555.38
1989-90	2.1.89 to 2.1.90	Rs. 29,191.07
Total		Rs. 1,20,179.95

He further submitted that according to the decision of the Railway Board communicated under letter No.E(LL)73/HER/26 dated 13.1.1977 (Annexure A/6) in computing the hours of employment of ACC in-charges credits will have to be allowed in full for such time spent by them in travelling subject to the modification as contained under letter No.E(LL)83/HER/1-2 dated 27.6.85 (Annexure A/7). The applicant had made his calculation of working hours on running trains according to this instruction and the rate of over time applicable according to rules. Mr B.K. Sharma submitted that the instructions relied on by Mr Dutta are not applicable to the claim of over time allowance of the applicant as these instructions are applicable in respect of payment of night duty allowance only. Moreover the applicants were allowed rest in the AC Coach itself and when facility of rest is provided the time travelling by him as a passenger only will not count as duty. Mr Dutta submitted that the concept of crew rest van is not applicable to AC Coaches and, at any rate, the aforesaid instructions are very clear as to how the working hours of AC Coach In-charges who were on running Trains should be determined. These instructions do not provide that the period of rest of the ACCIs in the AC Coach is to be excluded for the purpose of calculation of their working hours. Apparently the controversy in this O.A centres round the issue whether the instruction as contained in

Atk
Dutta
 A. Dutta, Secy.
 Calcutta, Guwahati, 781014

52

- 4 -

Annexure A/110 Contd.

Annexure A/6 and A/7 are applicable to claim of over time allowance by the applicant. The instruction dated 13.1.1977 apparently is in two parts. The first part is the determination of working hours of AC Coach attendants and AC Coach In-charges working on running trains under the hours of employment regulation. The second part is regarding payment of night duty allowance. It is seen that at the PNM Meeting held on 22/23rd September, 1976 after discussion it was agreed that in the case of AC Coach In-charges and AC Coach Attendants full credit will be given for the time spent in travelling and not 25% as it was. This discussion was in the background that in the period earlier to that the ACCIs were allowed credit in full for the time spent in travelling in which they were expected to be fairly busy and for a fraction, say 25% of the time occupied in travelling when they did little or no work. As a result of the agreement reached in September, 1976, the Ministry of Railways had decided that in computing hours of employment of the ACC In-charges and ACC attendants, credit may be allowed in full for such of the time spent by them in travelling. This determination of working hours had also been made applicable to the payment of night duty allowance as is evident from the words "The payment of night duty allowance to ACC In-charges and ACC attendants may therefore be regulated in the same manner as indicated above" (emphasis supplied) as contained in the instructions dated 13.1.77. Thus it is not correct to say that the above instruction is applicable to night duty allowance only. The working hours as determined should be applicable to the calculation of extra hours for claiming over-time allowance also.

Further perusal of this instruction supports the claim of the applicant that for the purpose of determination of working hours of ACCIs on running AC Coaches there has been no provision for exclusion on account of the period of rest of the ACCIs in the running AC Coaches. The applicant was an ACCI and a continuous worker. He travelled in long distance AC Coaches to and from destination. During the entire journey he performed actual duty and also rested. The question is whether for this period of rest in running AC Coaches he would be entitled to over time allowance. As already indicated above the instructions at Annexure A/6 provide that in determining their hours of employment full credit should be allowed for such time spent by ACCIs in travelling in running AC Coaches. The instructions at Annexure A/7 provide for slight modifications of the instructions at Annexure A/6 as mentioned in Annexure A/7 itself. These instructions at Annexure A/6 were apparently not considered by the competent authorities of the respondents as would be evident from their statements in para 15 of their written statement that the instructions contained in Annexure A/6 are not applicable to the determination of hours of employment for the purpose of over time allowance. The respondents further have not produced any authority to support their contention that "naturally, staff may claim overtime to the extent of 50% period only of the total journey period" as the duty of the applicant was so arranged so that he could perform only 50% duty hours of the total journey period or any other instructions of the Railway Board superseding the instructions dated 13.1.1977 and dated 27.6.1985 at Annexure A/6 and A/7 above. In view

Attested

[Signature]

M. Gupta, (Secretary)
Railway Board, New Delhi

of the facts mentioned above, I am of the view that the order contained in the letter No.E/34/5/OT/GHY/650 dated 9.6.92 (Annexure 2) is liable to be set aside. Accordingly the said letter dated 9.6.92 is hereby set aside. 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.

The application is disposed of as above. No order to costs.

Sd/- MEMBER (ADMIN)



Certified to be true Copy

प्रमाणित प्रतिलिपि

30/6/97
Deputy Registrar (G)
Central Administrative Tribunal
Guwahati Bench

30/6/97

Northeast Frontier Railway.

Office of the
Dy. Commr. (Genl. Secy.)
No. 1, 27.

No. 1/CHY/Gen/17/1994

To
Mr. S. I. Singh, 1-1/CHY,
New Delhi/CHY.

Subject: Your claim for payment of OTA for the period
from 1994 to 1996.

Receipt of honorable OTA judgment regarding payment
of OTA for the period from 1994 to 1996 it has been re-examined
in the light of the instruction issued under No. R(LI)/73/HR/26
dt. 13.1.77 and No. R(LI)/83/HR-I-II dt. 27.6.85 and parasitic
part of your application is furnished for your guidance please.

1. Statement made in para-I of your application are
admitted to the extent of entitlement to overtime allowances
for the days on which you had rendered services beyond the
prescribed hrs. of duty and rest of the statement are denied as
true. You had claimed for payment of overtime allowance amounting
to Rs. 1,20,179.79 for the period from 2.1.89 to 2.1.90. However,
the claim has been re-examined very carefully of the appropriate
level and the total period of working beyond the prescribed limit
has been worked out for 1084 hrs. and payment of OTA amounting to
Rs. 17,199.50 had already been paid to you. But you have submitted
the claim for Rs. 1,20,179.00 which is not in accordance with the
provision of rules. However, that claim has been re-examined and
the portion of claim on considered genuine has been decided for
payment of payment.

2. Your claim had been disposed of by crediting 50% of the
travel time towards duty hrs. on further consideration of the claim,
it has been decided that in computation of duty hrs. of AGCI,
full time spent on outwards and return journey should be credited
in case of AGCI. But the period of rest between
outward journey AGCI will handover the loose items under his
possession to maintain each staff and take over the same when
AGCI will take over charge at the commencement of train journey
AGCI may take rest in the coach itself whenever rest facility have
not been made available to them in the nature of running/rest room.
Hence the claim preferred by the applicant for grant of OTA recko-
ning the idle period or the period of his rest at out station is
not justified and admissible. This in terms of AG's letter No.
R(LI)/73/HR/26 dt. 13.1.77 and No. R(LI)/83/HR-I-II dt. 27.6.85.

3. Statement made in para-III of the application are not
agreed. You had made your own calculation which is not in conformity
with the extent rules. As per Rail by's calculation and in confor-
mity with the extent rules the claim of OTA is being reconsidered
giving full credit of time spent on outwards and return journey
excluding the period of rest at out station.

The amount of OTA is being worked out in accordance to AG's
letter. At the out station at the end of outwards journey,
AGCI may take rest in the coach and such period of
rest will not count for the purpose of OTA. The instruction clearly
emphasized that after completion of outwards journey the AGCI should
handover the charges to the outstation maintenance staff and they
may take rest in the coaches where the provision of running rest
facility is not available. As such rest period for the purpose
of OTA should not be reckoned. As per instruction contained in
AG's letter, the period of rest at out station will be
counted for grant of OTA.

4. The interpretation of OTA instruction is very clear. It
has been agreed in the 2nd part of the instruction that full credit will
be given for the time spent in travelling and the period of rest/
idle period after arrival at the out station will not be reckoned
towards grant of OTA.

AKS

[Signature]

E. Datta, (Advocate)

Delhi, New Delhi-701011

In case AC coaches detached enroute is being mechanically sick, the ACCI should return by the 1st. available train to the base depot. He NWA will be payable for the period. 25% of the time spent in journey while returns to base station will be counted towards duty for the purpose of overtime. ACCI detained at the out-station enroute will also be given credit of 25% of the time spent on such occasion.

However the contention of the I/Ko.R/34/5/OT/CHY/659 etc. 9.6.92 has been slightly modified to the extent that the claim of OTA should not be restricted to 50% of the total journey period. Rather full credit of time spent on duty on outwards and return journey may be reckoned for the purpose of OTA.

- i) You are allowed 100% for OTA for travel on duty.
- ii) No credit during the idle period intervening between arrival at destination for taking over to charge.
- iii) 25% of credit of extra hrs. for the time spent in travelling to the base depot from the site of detachment enroute if any.
- iv) Any detention enroute credit for only 25% for the extra hrs.

However, as per direction of Honorable CAT, the case has been re-examined on the merit of the claim. It is understood that double sets of staff (ACCI) had been booked in the running train for expanding services over long distances.

That arrangement was made with a view to give rest to the staff after one had completed 8 hrs. travelling on duty. Since no rest room could be made available in the running train the entire period of travelling on duty had been credited for the purpose of OTA payment. An employee who is unable to avail of his periodic rest on account of his travelling on duty may be granted compensatory off as far as may be possible. So, at the distant date it is not possible to ascertain whether any compensatory off has been allowed to you or not. Hence no cognisance has been given to that point. Rather no fit of doubt has been given.

So, there is no controversy in the O.A. regarding the credit of time for travelling on duty and extra hrs. of works has been computed by giving full credit of time spent on travelling duty. But the period of rest avail at out station has not been taken into account for the purpose of OTA payment. As such the claim of OTA going to be ~~unsubstantiated~~ for payment to you. Since the case is very old and relevant papers were not readily available in this office, the case could not be finalised within reasonable time limit and delay taken place in finalising the issue is regretted.

You are therefore advised to intimate this office if you have anything to say against the decision taken above.

BSR/Guwahati.

Copy forwarded for information and action to :-

1) GM(F)/Legal Cell/Malagon.

2) GM(I)/Malagon.

3) Shri. K. Sharma, Rly. Advocate/CHY.

BSR/Guwahati.

n.1997).

A. Datta, (Advocate)
Malagon, Guwahati-781011

-57-
~~to~~

Annexure A/12

To The DEE/GHY
N.F. Rly.
Through Proper Channel

Sub - CTA from 1984-1990

Ref - DEE/GHY's office L/NO E/GHY/con/17
826 dt 02.9.97

Sir, with due respect and humble
submissions I like to inform you that
now I am badly busy for my younger
son treatment purpose at Agra and
leaving Guwahati shortly and unable
to attend the honourable C.A.T/BY on 17.9.97.

In reference of your above
letter, I like to point out that there
was no system at outside station
for charge taking over as well as hand-
ing over, still there is no system,
no period of rest excluded.

Secondly, there was no occasion
to return the base depot leaving the
sick/detached coaches enroute as no
such order was there to leave the
coach enroute.

This is for your information
dated GHY } please
The 10th Sept } yours Faithfully
of 1997 } Yankar Prasad Sinha
Copy to R. Dutta for information
Please.

Atksho

R. Dutta

R. Dutta, (Advocate)
Guwahati, Guwahati-781011

- 58 -

Annexure A/13

REGISTERED WITH AN

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

C.P.No.9/97 An O.A.264/93

Shri S.P.Sinha

...

Applicant

Barcud

Shri P. Panguino & ans.

...

Respondents.

- P R E S E N T -

THE HON'BLE JUSTICE SHRI D.N.BARUAH, VICE-CHAIRMAN
THE HON'BLE SHRI G.L.SANGLYINE, MEMBER(A)

For the Applicant : Mr. R. Dutta, Advocate

For the Respondents: Mr. B.K. Sharma,
Mr. S. Sharma, Advocates.

25.5.98

Mr. R. Dutta, learned counsel for the petitioner, wants to withdraw the contempt petition. We have also looked into it. From the observations made by the officer, it appears that there is no contempt. Accordingly the contempt petition is closed.

The applicant may file appropriate application regarding non-assessment as referred to in the order dated 1.9.1997.

Sd/- VICE-CHAIRMAN
Sd/- MEMBER(A)

Memo.No. 1441

Dated 26/5/98

Copy for information and necessary action to :

1. Shri S.P.Sinha, S/o Late Atul Ch. Sinha, Resident of Qrs.No.50/B, Railway Station Colony, Guwahati -781001.
2. Shri Pankaj Panguino, Divisional Electrical Engineer, N.F.Railway, Guwahati, P.O. Guwahati -1.
3. Shri Mohan Prasad, Asstt. Electrical Engineer, N.F. Railway, Guwahati, P.O. Guwahati -1.

28/5/98
SECTION OFFICER (J).

A. Dutta
D. Dutta
A. Dutta, (Advocate)
Guwahati, Guwahati-781001

- 59 -

As annex A/14

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI

Original Application No. 200 of 1998.

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

Shri G.L.Sanglyine, 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.

ORDER

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

contd..2

Handwritten signature of R. Dutta

R. Dutta, (Advocate)
Maligaon, Guwahati-781011

- 60 -

Annexure 1/14
contd.

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. Sen Gupta, 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

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 hear 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.

cc/ MEMBER (ACC)



TRUE COPY

प्रतिलिपि

25/7/79

Section Officer (J)
आयुक्त अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अदालत
Guwahati Bench, Guwahati-6
गुवाहाटी बेंच, गुवाहाटी-6

25/7

AKR

D. Datta

D. Datta, (Advocate)
Maligaon, Guwahati-781011

-62-

68
Answer me A/15

To

The General Manager
N. F. Rly-Maligaon
Through DEE/GHY

Sub :- My O. T. A bill for the period 2.01.84 to 2.01.90

Ref. :- Court case/200/98 dated Dec. 20,2000

Honourable Sir,

I am grateful that you were kind to grant me an interview on 21st Dec. 2000 when you asked me for submission of my claim in short for my arrear OTA for which honourable CAT had decided that I am entitled by counting the entire journey period.

In this connection I draw your attention to DEE/GHY L/NO E/GHY/ CON/17/826 dt 2.9.97 in which it was admitted that only 50% of the actual journey was taken for calculating OTA and arrangement were being made to pay me the balance of the O.T.A. But no payment has been made after that (As per my calculation 120179.79-17996.77 balance.102183.02 is due).

I could therefore pray to you to be kind to order for calculation and payment of OTA for the entire period of the journey from starting from home station to return to the home station including the halting time at out station. Because no provision of any rest house facilities and none taking over of the charge of the coach and store at out station by the maintenance staff.

Dt, GHY 29.12.2k. with regard
Copy to SSE/AC/GHY, DEE/GHY

Yours faithfully

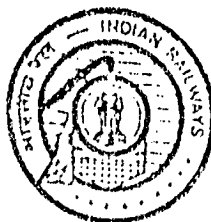
Sankar Prasad Sinha
ACCI-I/GHY

AKS
D.D.
R. Datta, (Advocate)
Maligaon, Guwahati-781014

63

Annexure A/16

कार्यालय
महानगरपालिका (राजमार्ग)
पुनर्वास योजना सेलवे
महानगरपालिका, मुम्बई-781011



Office of the
General Manager ()
Northeast Frontier Rail
MALIGACHH, GUWAHATI-781

No. E/170/Legal Cell/853/2000

Date : 10.01.2001

To
Shri S. P. Sinha,
ACCI-I/GHY,

(Through DEE/GHY)

Sub : Hon'ble CAT/Guwahati's order dt. 5.5.1998 in OA No.200 of 1998.

In accordance with Hon'ble CAT/Guwahati's above order, GM/N. F. Railway/Maligaon is pleased to issue final order determining the admissibility of payment of the Overtime allowance claimed by you for the period from 1984 to 1990 after taking a personal hearing. GM's final order is appended in verbal comments :-

"Shri S. P. Sinha, ACCI/Gr./Guwahati while functioning as such for the period from 02.01.84 to 02.01.90 in the AC coaches of different trains had claimed OIA to the tune of Rs.1, 20,1/9.95. Based on the approved linked diagram for escorting of AC coaches by ACCI, an amount of Rs.17, 997/- was found to be payable and accordingly payment was made to the applicant.

As per the directions of Hon'ble CAT/GHY in OA No.200/98, I have given personal hearing to Shri S. P. Sinha on 21.12.2000. He was also advised to give any representation in addition to what he has expressed during personal interview. His fresh representation dt. 29.12.2000 to GM/NFR has also been examined. Based on the directions of Hon'ble CAT/GHY, taking into account all facts and position of rules and his latest representation dt. 29.12.2000, the claim has been examined and the admissibility aspect of OTA in favour of Shri Sinha has been reviewed by the undersigned afresh as under :-

- (a) During the relevant period, two ACCIs were used to be booked to perform duty as per approved linked diagram and as such only 12 hours weightage was permissible against a duty of 24 hours a day while on travelling. However, it has now been decided that since there was no resting accommodation for ACCIs inside the coach as per Hon'ble CAT's directive he has been given full weightage for the entire period of duty while travelling in terms of Rly. Board's Letter No.E(LL)73/HCR/26/ dt. 13.01.1977.
- (b) As per Board's Letter No. F(11)83/HR/1-2 dt. 27.06.85 25% credit has also been granted for the time spent at outstation for the purpose of calculation of duty hours.

A/16

[Signature]
A. Datta, (Advocate)
Maligaon, Guwahati-781011

-64-

20
Annexure A/16
Contd

- (c) Keeping in view the above two aspects the OTA claim of Shri Sinha has been re-calculated and it is observed that a total amount of Rs. 68,416/- is admissible to him against which an amount of Rs. 17,997/- has already been paid and therefore, the balance amount of Rs. 50,419/- is to be paid to him. Process for early payment of Rs. 50,419/- may be made."



Asst. Personnel Officer (LC)
for GENERAL MANAGER (P)/MLG

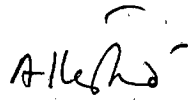
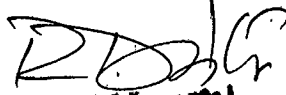
10.01.01

Copy to :-

1. DEE/CHY
2. Sr DPO/MLG

They are requested to take immediate action for early payment of OTA to Shri Sinha and apprise the position to CPO/A.


For General Manager (P)



R. Datta, (Advocate)
Mangoch, Guwahati-781011

- 65 -

Ann - A/B

To,
The General Manager,
N.F. Railway Maligaon,
(Through Proper Channel).

Sir,
Sub:- Payment of OTA .
Ref:- Your NOE/170/Legal Cell/853/2000 dt:10-01-2001.

I have the honour to state the following for your kind necessary orders.

That Sir, I performed extra hours of work for the period from 02-01-84 to 02-01-90 while performing the duty of ACCI in trains and claimed over time. The total amount of OTA was Rs. 1,20,779.95 and the OT Journals were certified by the Electrical Foreman/AC/GHY.

That Sir, as no payment are made, I had to move the Hon'ble CAT/GHY and the Hon'ble CAT/GHY vide order dated 31-10-90 was pleased to direct that I should be paid the over time allowance in OA No. 135(G) of 1989. But No payment was made within a year and I had to move the Hon'ble Tribunal again with a contempt petition No. 23/91 when only a sum of Rs. 13,756.77 was paid stated it to be full and final settlement of the O.T.A. claim. As my claim was not properly assessed and paid, I made a representation to the DEE/GHY, as per direction of the Hon'ble CAT, on 28-04-92 when a further sum of Rs. 4,240/- was paid to the applicant as full and final settlement of his O.T.A. Claim.

That Sir, as the claim for over time allowance was not correctly assessed and paid in view of the very clear instruction of the Railway Board, under No.E(LL)73/HER/26 dated 13-01-77, that in case of ACCI full credit will be given for the time I had to file a fresh application before the Hon'ble CAT/GHY for payment of balance OTA.

That Sir, the Hon'ble CAT/GHY Disposed the said OA No. 261/93 on 26-06-96 directing that OTA should re-examine a fresh for payment of Rs. 1,20,199.79 after taking into consideration facts of the case, the instructions issued by the Railway Board dated 13-01-77 and 27-05-85 and relevant rules or instructions of the Railway Board in this regard. But again no action was taken within a year and I had to move another contempt petition No. 9/97 on 16-07-97 when on 2-9-97 contd..p/2.

spent in travelling & not paid as at that time

R
W. M. M.

Amended
R. Datta, (Advocate)
Maligaon, C.M. Cell-10/11/11

- 66 -

Annexure A/17 22
Contd

(2)

DEE/GHY vide letter No. E/GHY/CON/17/826 dated informed that my claim had been disposed of earlier by crediting 50% of the travel time to do words duty hours and on further consideration it has been decided to compute duty hours by crediting full time spent on outward and return journey but the period of rest at out station is not justified in terms of Railway Boards letter dated 27-06-85 and asked if I had anything to say. I immediately pointed out on 10-09-97 that system of taking over incharge on arrival at out station by the maintenance staff and again making over the charge to ACCI prior to ~~departure~~ departure of the train as prescribed by the Railway Board in letter dated 27-06-85 was not introduced and as such question of not taking into the period of duty at outstation does not arise.

That Sir, the C.P. No. 9/97 was withdrawn but no payment was made and I had to file a fresh OA No. 200/98 before the Hon'ble CAT/GHY which was disposed of on 27-05-99 with direction on the General Manager to determine admissibility of OTA within 90 days but the matter was not put upto the General Manager and a fresh CPNO 33/2000 had to be filed when the General Manager was kind to give me a personal hearing on 25-12-2000 and after hearing me asked me for a representation which was filed by me on 29-12-2000.

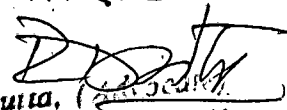
That Sir, your honour has been kind to order payment of Rs. 50,419/- in addition to Rs. 17,997/- paid earlier by 2 instalments. It has been stated that full credit has been given for the time spent on travelling and 25% credit has been given for the time spent at out stations as per Railway Board's letter dated 27-06-85.

That Sir, the credit of only 25% of the time spent on outstation does not arise as the charge was not taken over at the out station after arrival of the train nor he was again given the charge by the maintenance staff as has been envisaged in the Railway Board's letter dated 27-06-85 and therefore the instructions issued by the Board on 13-01-77 for computation of duty hours of the ACCI's from the time they take over the charge at the commencement of journey to the time of handing over charge after completing the trip will prevail.

That sir, not only that my duty period on actual travel also does not appear to have been correctly computed and I would request you to be kind to give me the details of

contd...p/3.

A.M.W.



R. Datta, (Signature)
Belgaon, Guwahati-781011

-67-

Amicus-A/17
Cmtd

(3)

the time spent on journey as credited and the time spent on out station (for which 25% credit has been given).

Under the circumstances I would pray to your honour to order for crediting full time at outstation and for payment on that score and for furnishing me with brak-down of /trance period which has been credited fortnightly for which act of kindness I shall remain ever grateful to you.

With regards,

Yours faithfully,

Dated: 03 -02-2001.

Sankar Prasad Sinha
(SANKAR PRASAD SINHA)

A. Prasad (Advocate)
Gurgaon, Gurgaon-751014

74

68-

Answer A/B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH, GUWAHATI, 5. (P.O. NO. 4)
ORDER SHEET. (See Rule-42)

Contempt APPLICATION NO. 33/2000
Applicant(s) Sri S.P. Sinha A. 26/93
Respondent(s) Sri Rajendra Nath
Advocate for Applicant(s) Mr. R. Dutta
Advocate for Respondent(s) Mr. B.K. Sharma

25.5.2001 Present: Hon'ble Mr Justice A. Agarwal,
Chairman
Hon'ble Mr K.K. Sharma,
Administrative Member.

The applicant and his Advocate are absent. We have heard Mr B.K. Sharma, learned counsel on behalf of the respondent contemner and we dispose of the present contempt petition on merits in terms of Rule 15 of the Procedure Rules.

Non-compliance of an order passed by this Tribunal on 5.5.1999 in O.A. No.200 of 1998 is made the basis of the present contempt petition. The aforesaid O.A. was disposed of by passing the following order:

"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."

Since there was no compliance of the aforesaid direction the present contempt petition has been filed on 20.8.2000.

The respondent contemnors in reply to the present petition has inter alia, pointed out that a personal hearing was given to the applicant in respect of his claim for overtime allowance as is



R. Dutta
R. Dutta, (Advocate)
Maligaon, Guwahati-781011

Notes of the Registry

Date

Order of the Tribunal

25.5.2001

JNAL/
MAAO

reflected in the letter of the applicant addressed to the General Manager, N.F. Railway, Maligaon of 29.12.2000 at Annexure A to the reply. An order ~~determining~~ determining his overtime claim has thereafter been issued by an order passed on 10.1.2001 at Annexure B to the reply, whereby his claim for overtime has been determined at Rs.68,416/-, out of which an amount of Rs.17,997 has already been paid to him and the balance amount of Rs.50,419/- is directed to be paid to him.

Though belatedly, we find that the order of the Tribunal has now been complied with. No action is, therefore, called for against the respondent contemnors in the present contempt petition. The present contempt petition in the circumstances, is disposed of. Notices earlier issued are discharged. It goes without saying that in case the applicant is not satisfied with the aforesaid order at Annexure B to the reply, he will be entitled to impugn the same by resorting to such proceeding as he may be advised in the matter.

No order as to costs.

TRUE COPY

प्रतिविलिपि

Section Officer (J)
आनुमान अधिकारी (न्यायिक शाखा)
Central Administrative Tribunal
केन्द्रीय प्रशासनिक अधिकरण
Guwahati Bench, Guwahati-6
गुवाहाटी न्यायपीठ, गुवाहाटी-6

Sd/CHAIRMAN

Sd/MEMBER

Alkesh
P. D. D.
Advocate

855
12/6/2001

Filed by: Sukomal
Gupta, Baili
Advocate
24
Jhar

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH,
GUWAHATI.

IN THE MATTER OF :

O.A. No. 357 of 2001

Sri Sankar Prasad Sinha

... Applicant.

- Versus -

1. Union of India.

2. General Manager,
N.F. Railway, Maligaon.

3. Senior Divisional
Electrical Engineer,
N.F. Railway, Luning.

4. Divisional Electrical
Engineer, N.F. Railway,
Guwahati.

5. Senior Section Engineer,
Electrical (Air Condition),
N.F. Railway, Guwahati.

... Respondents

- AND -

IN THE MATTER OF :

Written Statement for and on behalf of the
respondents.

The answering respondents most respectfully beg
to sheweth as under :

1. That, the answering respondents have gone through
the copy of the application filed by the applicant and have
understood the contents thereof.

Contd.....2

2. That, save and except those statements/averments in the application which are admitted hereunder or those which are borne on records, all other averments/allegations to the contrary, are denied herewith and the applicant is put to strictest proof of all such averments.

3. That, for the sake of brevity, the respondents have been advised to confine their replies only on those averments/allegations of the applicant in the application which are relevant and are material for a proper decision in the case and all other allegations to the contrary are denied herewith and the meticulous denial of each and every allegations have been avoided without admitting the correctness of any such allegations/averments.

4. That, the case suffers on ground of mis-representation and mis-interpretation of rules and laws.

5. That, the application is vexatious one having no valid cause of action for filing the application.

6. That, the fact of the case, in brief, is as under :

The present claim of the applicant relates to payment of over time allowance for the period from 2.1.84 to 2.1.90 and the applicant has already been paid by the Railway Administration Rs.68,416/- (out of his total claim amount of Rs.1,20,179.95 P.) which was found to be admissible under rule and as per fact of the case.

The applicant, Shri S. P. Sinha, while functioning as ACCI/ Grade-I/Guwahati for the period from 2.1.84 to 2.1.90 in Air Condition coaches of different trains originating from Guwahati has claimed O.T. allowance to the tune of 1,20,179.95 P.

Though, the claim pertains to the period from 1984 to 1990, the same was processed in 1992 in pursuance to the Order of this Hon'ble Tribunal dated 31.10.90 in O.A. No.135(G) of 1989 issued directing the respondents to pay over time allowance to the Air Conditioned Coach In-charges and Attendants including the petitioner for their work beyond prescribed duty hours. Based on the approved link diagram for escorting of A.C. Coaches by ACCI, an amount of Rs.17,997/- was found payable and accordingly this amount of Rs.17,997/- was paid to him. In pursuance to the directive and order of the Hon'ble Tribunal dated 28.6.96 in O.A. No.261/1993 his claim was further subjected to re-examination and DEE/Guwahati vide his letter dated 2.9.97 intimated that (i) he would get 100% credit for time spent on travelling on duty and (ii) he would get no credit for the time spent after reaching destination station etc. and the applicant was advised to intimate if he had anything to say against the decision as stated in the letter.

In the meantime the applicant filed a Contempt petition No. 9/97 against respondents and on subsequent withdrawal of the petition by the applicant the Contempt case was closed by the Hon'ble Tribunal vide Order dated 12.5.98.

The applicant also filed O.A. No. 200 of 1999 and the Hon'ble Tribunal disposed of this application on 5.5.1999 with following directions recorded at para 3 of the Judgement

"

I dispose of this application with direction to the General Manager, N.F. Railway, Maligaon, Guwahati to issue a final order determining the

admissibility of payment of over time allowance claimed by the applicant after he personally heard 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 "

In obedience to the Hon'ble Tribunal's directive/ order dated 5.5.99 as mentioned herein above, the General Manager, M.F. Railway gave a personal hearing to the applicant and after perusing the records of the case and the various rules and laws on the subject and the fresh representation dated 29.12.2000 submitted by the staff/applicant and considering the merit of the case, he passed the necessary speaking order covering all the points as directed by the Hon'ble Tribunal clearly mentioning the following ~~xxx~~ aspects in the said order :

- (a) During the relevant period, two (Air Conditioned Coach Inspectors) were used to be booked to perform duty as per approved linked diagram and as such only 12 hours weightage was permissible against a duty of 24 hours a day while on travelling. However, since there is no resting accommodation for ACCI's inside the Coach, the benefit of full weightage for the entire period of duty while travelling is given to him which is in terms of Railway Board's letter No.E(LL)73/HR/261 dated 13.1.1977.also

(b) 25% credit is also granted for the time spent at outstation for the purpose of calculation of duty hours.

(c) Keeping in view, the above two aspects, the over time allowance claim of Shri Singh (the applicant) has been re-calculated and it is observed that a total amount of Rs.68,416/- is admissible to him against which an amount of Rs.17,997/- has already been paid. As such the balance amount of Rs.50,419/- (i.e. Rs.68,416/- minus Rs.17,997/-) is to be paid to him.

In pursuance to General Manager's order, the balance amount of Rs.50,419/- has also been paid to the applicant on 19.1.2001.

7. That, with regard to averments at paragraphs 3, 4.1, 4.2 and 4.3 of the application it is submitted that only those averments are admitted which are borne on records or are specifically admitted hereunder. The rest are denied. It is admitted that the employment of the applicant is classified as continuous under the Hours of Employment Regulation. As he is a continuous category staff, the over time of such staff is to be calculated on bi-weekly basis at 104 hours and not 96 hours as claimed by the staff. Further in terms of Indian Limitation Act and the Section 21 of the Central Administrative Tribunal Act, the claim was barred under law. It is not correct that the applicant made repeated representation for payment of over time allowance.

As averred at paragraph 4.5 of the application, the present over time vouchers have been prepared by the applicant himself as the relevant old records could not be made readily

available in the office at the instant date. Further, on later check it revealed that the over time vouchers were not prepared as per rules *(and procedure)*.

8. That, with regard to averments at paragraphs 4.6 and 4.7 of the application, the respondents do not admit any statements which are either not borne on records or are specifically admitted hereunder. It is correct that O.A. No. 135(4)/89 was filed by the applicant and the Hon'ble Tribunal hold that Air Conditioned Coach Incharges and Attendants including the petitioners are entitled to over time allowances in terms of Hon'ble Supreme Court's verdicts etc.

It is also to submit herein that since the over time vouchers were not prepared as per rules, the payment as claimed by the applicant could not be made.

9. That, with regard to averments/allegations made at paragraphs 4.8 and 4.9 of the application, it is submitted that nothing are accepted as correct except those which are borne on records or are specifically admitted hereunder. It is submitted that the applicant himself withdrew the Contempt petition case filed by him. It is denied that there has been any dis-regard of Hon'ble Tribunal's judgement and order dated 30.10.90, as alleged. It is admitted that an amount of Rs.13,757/- was paid to the applicant towards over time claim and a further sum of Rs.4,240/- totalling at Rs.17,997/- was paid to the applicant as per linked approved diagram.

10. That, with regard to averments at paragraph 4.10 and 4.11 of the application, it is submitted that the genesis of the HOER (Hours of Employment Regulation) etc. ~~xxxxxx~~

as stated in this paragraph are matters of records and requires no further elaboration. The provisions as made in the Indian Railways Act, 1890 as amended from time to time and also the new legislation 'The Railways Act, 1989' and Railway Board instructions etc. in respect of making payment of over-time dues, Travelling allowances, Night duty allowances etc. are followed by the Railway Administration.

11. That, with regard to averments made at paragraphs 4.12, 4.13, 4.14, 4.15, 4.16, 4.17, 4.87, 4.88 and 4.89, it is submitted that except those which are borne on record nothing are accepted as correct.

It is submitted that the applicant is already availing of the benefit of the Railway Board's order dated 13.1.77 as mentioned at paragraph 4.12 of the application. The instructions as contained in Railway Board's letter dated 27.6.85 as mentioned by the applicant is being followed. The Register etc. as mentioned by the applicant at paragraph 4.16 is also maintained. The allegations as made in paragraph 4.17 are not admitted. It is to mention herein that to avoid delay and as the claim pertained to several years back, after receipt of the decision regarding admissibility of over time to ACCI etc. the over time journals were prepared and submitted by the applicant and the amounts which were found to be admissible to him after due check have already been paid to him and the rest of the claim amount are not admitted.

12. That, the statements made at paragraph 4.18 is not admitted.

13. That, with regard to averments/statements made at paragraph 4.19 to 4.26, it is stated that those are the own

declarations of the applicant as regards the basis on which he prepared the Over Time Journals. It is submitted that except those statements which are borne on record nothing are accepted as correct. The respondents already evaluated his claim while making payments so far and rest claim are found to be inadmissible and hence those are denied herewith.

In this connection, it is to submit that the applicant has claimed over time allowance for 8509 hours, while on scrutiny of the journal/records etc. it revealed that he was eligible to be paid for 5272 hours as per rules. This difference in over-time hours has mainly cropped up due to wrong calculations and also wrong claim preferred by the applicant. The applicant has claimed 96 hours over time against 104 hours admissible to him. Shri Sinha being Air Conditioned Coach Incharge falls under the category of "Continuous" staff whose rostered duty hours is 104 hours and over time is to be calculated at bi-weekly basis as per Hours of Employment Regulations.

Again, he is entitled to 25% weightage of over time as per Railway Board's letter No.E(LL)83/HER/1-2 dated 27.6.1985 as also Chief Electrical Engineer, N.F. Railway's prescribed Duty Roster dated 31.3.1986.

14. That, with regard to paragraphs 4.90, 4.91, 4.92, 4.94, 4.95 and 4.96 of the application it is to submit that nothing are accepted as correct except those which are borne on records or are admitted specifically hereunder.

It is to submit that in obedience to the Hon'ble Tribunal's direction vide order dated 28.6.96 for re-examination of the case on merit taking into consideration the instructions of the Railway Board dated 13.1.77 and dated 27.6.85 and the

Contd...10

85
that
new policy of
Railway Board, General
Manager, Electrical Engineering
N.F. Railway, Calcutta

Shri S. P. Sinha on 21.12.2000 in his chamber. The applicant was also informed on 20.12.2000 that if he so desired he could also submit a written representation to the General Manager at the time of personal hearing. He was also advised to give representation in addition to what he expressed during personal interview. His fresh representation dated 29.12.2000 to General Manager, N.F. Railway was also examined and considered.

15. That, with regard to statements at paragraphs 4.97 and 4.98 of the application it is to state that the General Manager, after giving a personal hearing to the applicant and considering his further representation dated 29.12.2000 and delving deep into the case history and records of the case and the rules involved in the case including the Railway Board's letters No.E(LL)73/HER/26/ dated 13.1.1977 and No. E(LL)83/HER/1-2 dated 27.6.1985 and other instruction of the Railway, passed speaking orders to the effect that :

(i) Shri Sinha (applicant) be given the full weightage for the entire period of duty while travelling in terms of Railway Board's letter No.E(LL)73/HER/26 dated 13.1.97.

(ii) 25% credit be also given for the time spent at out-station for the purpose of calculation of duty hours.

and.

(iii) Keeping in view the above two aspects the over time allowance claim of Shri Sinha has been re-calculated and accordingly a total amount of Rs.68,416/- is admissible to him against which an amount of Rs.17,997/- has already been paid to him and the balance amount of Rs.50,419/- be paid to him.

A copy of the General Manager's Order dated 10.1.2001 is annexed hereto as Annexure-I for ready perusal.

(i) did not explain why and how the claim of the applicant come down from Rs.1,20,779.95 to Rs.68,416/- only,

(ii) did not point out the mistake in computation of over time hours etc. as alleged,

(iii) did not make any observation as to why only 25% of the period of journey at outstation is to be computed towards duty etc.

It is to submit herein that in the Railway Board's circulars also e.g. in circular No.E(LL)73/HER/26 dated 13.1.1977 it was clearly clarified as under.

" it was decided in consultation with the Ministry of Labour that the Air-Conditioned Coach Attendants would be classified as continuous under the Hours of Employment Regulations and that in computing their hours of employment they would be allowed credit in full for such of the time spent in travelling during which they were expected to be fairly busy and for a fraction say 25% of the time occupied in travelling when they did little or no work . . .
 "

It is to mention herein that the order of the General Manager, N.F. Railway also clearly shows the basis on which the decision of the General Manager is based and he considered the Railway Board's circulars and instructions also as

27
Sd/-
Genl Mgr
N.F. Railway
Regional Electrical
N.F. Railway, Guwahati

-: 12 :-

referred to by the applicant, prior to passing the orders in the case. Besides, all the points i.e. booking of two ACCI's to perform duty, non-provision of resting accommodation for ACCI's inside the Coach, the linked diagram etc. were also considered by the General Manager. Further, letter No.E(LL) 83/HER/1-2 dated 27.6.1985 issued by the Railway Board speaks for payment of 25% over time to ACCI/ACCA in case of detention of A.C. Coach at the outstation en-route vide clause (iii) of the above letter.

The copy of the said letter dated 27.6.1985 has been annexed as Annexure A/3 to the application.

Further, no such representation dated 3.2.2001 are on record and question of giving separate reply also does not arise since the General Manager's Order is self-explanatory and exhaustive one.

16. That, with regard to contention of the applicant expressed at paragraph 4.99 of the application it is submitted that the respondents admits those averments which are only borne on records and nothing more and the applicant is put to strictest proof of his statements.

It is to submit herein that the over time allowance as due to the applicant as per rules etc. were already paid to the applicant and nothing are found due to the applicant.

The case as it seems, is based on wrong promises and mis-interpretation of rules.

The General Manager, N.F. Railway who was ordered and directed by the Hon'ble Tribunal to go through the records of the case etc. and issue the speaking order, has already complied with the directions and order of the Hon'ble Tribunal

89
Sd/-
Joint Secretary
Central Electrical Engg
& Power Divn.

:- 13 :-

as he could understand about the implications of rules/orders in force and have already passed the necessary reasoned and speaking order in the case and as the merit of the case warranted.

17. That, with regard to the ground for relief sought for as stated in paragraph 5 and 6 of the application, it is submitted that in view of the fact of the case and laws/rules involved and the submissions made herein before in different paragraphs of this Written Statement, none of the grounds as put forward by the applicant are sustainable and hence the allegations are not admitted. The applicant, as the case history reveals, is not entitled to any relief, as sought for by him.

All the allegations as made at sub-paragraphs 5.1, 5.2, 5.3, 5.4, 5.5, 5.6 and 5.7 are incorrect and unacceptable and hence are denied herewith.

It is also pertinent to mention herein that :

(i) it is a wrong presumption that with the signing of the over time allowance journal by SSE/Electrical, N.F. Railway, the applicant becomes entitled to receive Rs.1,20,179.95.

In fact, all the vouchers/bills are subjected to Accounts check and Audit prior to passing the bills and only after that it can be told that claim is tenable.

(ii) The circulars of the Railway Board dated 27.5.85 as referred to by the applicant were already taken into consideration by the respondents (including the latest rulings of the various

89
for the purpose of
the N.F. Railway
General Manager
N.F. Railway

High Courts (where question of admissibility of over time allowance for ACCI's etc. categories were decided) and also the of the Supreme Court and the same were already reflected in the reasoned speaking order passed by the General Manager, N.F. Railway also.

(iii) The applicant has already been given the full benefit of Rly. Board's circular dated 13.1.77 by treating the entire period of travelling as duty for purpose of over time allowance and the benefit of 25% of over time in case of detention etc. of A.C. Coach at the out-station en-route as stipulated in Clause (iii) of Rly. Board's circular No.E(LL)83/HER/1-2 dated 27.6.85 have already been taken into consideration.

It is submitted that it is his wishful thinking that whatever he wants he should get or whatever he asserts are correct, or that as 58% of his claim has been paid by the Railway Administration he should be paid the balance amounts of his initial claim.

18. That, with regard to averments at paragraph 6 of the application it is submitted that no such representation dated 3.2.2001 is on record. Further, from the copy of the so called representation as has been annexed as Annexure-17 to the application, it is seen that there are no new points or issues in this representation which may warrant/call for reconsideration of his case and that all the points were already taken into consideration by the respondents while deciding his case and the General Manager, N.F. Railway in his speaking order also dealt with all relevant points after due consideration

Further, there is no provision for filing appeal in such cases when the General Manager's Order is in compliance to the Hon'ble Tribunal's Order and all facilities and due scope for making representations were also given to the applicant by the General Manager prior to passing the order.

20. That, after receiving the final dues paid to him, the applicant is estopped from agitating on the issue and demanding further payment.

22. That, under the facts and circumstances of the case as stated above, there is no merit in the O.A. and the same is liable to be dismissed with cost.

VERIFICATION

I, B. N. Thakur
son of Lali Sh. Ghansh Thakur aged
about 59 years, at present working as DGG
Guwahati, H.F. Railway
Guwahati, do hereby solemnly affirm that the
statements made at paragraphs 1 and 3 are true to my
knowledge and those made at paragraphs 6, 7, 8, 9, 14,
15 and 16 are based on records of the case which are
believed by me to be true and the rest are my humble
submissions before the Hon'ble Tribunal.

Thakur
NORTHEAST FRONTIER RAILWAY:
FOR AND ON BEHALF OF UNION OF INDIA.
H F Railway, Guwahati

PP-13

Reg : CAT/GHY's order dt. 05.05.99 against OA No. 200 of 1998 directing GM/N.F Railway for the disposal of the petition of Shri S.P.Sinha, ACCI/Gr.I/GHY for OTA claim.

CAT/GHY vide its order dated 5.5.99(SN-84 & 84/1) against the OA No.200 of 1998 filed by Shri S.P.Sinha, ACCI/Gr.I/GHY has directed the GM/NF Railway to give a personal hearing of the aforesaid claimant and to give a speaking order regarding the admissibility of the OTA as claimed by the applicant pertaining to the period from 2.1.84 to 2.1.90 amounting to Rs. 1,20,179.95, whereby communicating reasons and details to the applicant within 90 days from the date of receipt of the order and also allowing the applicant to make his submission in writing in course of hearing by the General Manager.

1.0 CASE IN BRIEF :

1.1 Shri S.P.Sinha, ACCI/Gr.I/GHY while functioning as such for the period from 2.1.84 to 2.1.90 in AC coaches of different trains originating from GHY has claimed OTA to the tune of Rs.1,20,179.95. Though the claim pertains to the period from 1984 to 1990, the same was processed only in 1992 following intervention by CAT/GHY vide Order dated 31.10.90 (SN 25-28) directing the respondents to pay the OTA to the Air-conditioned Coach Incharges and Attendants including the present petitioner with effect from the date the petitioner and others functioned as such, beyond their prescribed duty hours, within 120 days from the date of receipt of the order.

1.2 In pursuance of the above directive a sum of Rs.13,757/- was initially paid to the applicant. Subsequently, an amount of Rs.4,240/- was also paid following thorough examination of the journals by HOER section of Hqrs., thus taking the total OTA payment to Rs.17,997/- which was only payable as per the link diagram in force. Still not content with the payment so received, he further filed an OA No.261 of 1993 for payment of his initial claim in full. While disposing of the application, CAT/GHY vide Order dated 28.6.96 directed the respondents to re-examine afresh merit of the claim and to issue a final order in respect of the same and to issue a speaking order in 3 month's time from the date of receipt of the order (SN-5 to 10).

1.3 In compliance of the above directive, the then DEE/GHY vide letter dated 2.9.97 (SN3 &4), intimated the applicant that (i) he would get 100% credit for the time spent on travelling on duty and (ii) no credit for the time spent after reaching destination station.

In this context, it is pertinent to mention that the above two decisions were not in consonance with the link diagram as circulated by Hqrs with respect to the duty roster of the ACCI. The contradiction arises because of the fact that during that period 2 ACCIs were used to book in the same AC coach in order to give rest alternatively to each other while on run. Accordingly, each of the two ACCIs was given 50% credit of the time spent on run for computing duty hours for the purpose of OTA.

However, as per Rly. Board's letter dated 13.1.77 placed at SN-24, while computing the hours of employment of the ACCI, credit may be allowed in full for such of the time spent by them in travelling and link diagram (SN-79/1) enjoins 25% credit at destination station for halt period involved.

1.4 In response to DEE/GHY's letter dt. 2.9.97, Sri Sinha responded by his letter dt. 10.9.97 (SN-2) indicating that since at destination stations there is no system of handing over/ making over the charges of AC Coaches, the credit for time halted should also be given in full. Subsequently, the Hon'ble Court has also directed to look into this aspect.

1.5 Based on the decision taken by the then DEE/GHY, vide letter dt. 2.9.97, a bill amounting to Rs. 37,833/- was prepared and sent to ADAO/GHY for audit and payment. However, ADAO/GHY returned the bill unpassed vide letter dt. 18.08.99 (SN-86) indicating that as per Court's direction, GM has to issue a final order determining the admissibility of the OTA as claimed by the applicant and also since the case being more than 3 years old, it requires the sanction of GM.

In compliance of the observation of Accts. the case was sent by APO/GHY on 27.8.99 to Hqrs. for taking further action for its disposal.

2.0 Since the Rly. administration did not comply with the directives of the Hon'ble CAT, on further petition by the applicant, a Contempt of Court notice has been served in the name of ex. GM.

3.0 SPO/Engg/MLG vide his noting dated 12.12.2000 at PP/12 advised DEE/GHY to process the case immediately with reference to the time taken from the Hon'ble CAT for the disposal of the case by 15th January, 2001.

4.0 The case is re-submitted herewith for its early kind disposal on the following points:

- (a) Fixing up of a date in consultation with the GM for his personal interview with Shri Sinha.
- (b) GM's order for admissibility and preparation of the final OTA bill keeping Board's instruction to grant 100% credit for the entire period of duty on run and 25% credit for the periods of halt at destination stations.

SPO / Engg.

DEE / GHY

May kindly fix up a date for personal interview of with GM. Decision regarding (b) above shall be taken after personal interview.

(GM)

19/12/00

PP/15

From prepage:

Discussed with GM. The employee may be called for Personal hearing by GM at 11.00 hrs on 22.12.00.

[DEE/GHY]

Subsequently GM rescheduled this to 16.00 hrs on 21.12.00. Employee has been accordingly advised vide SN. 88 by Sr DPO/LMG & MLG.

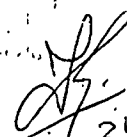
(DEE/GHY)

Sr. DPO/LMG

SUB: PERSONAL HEARING TO SHRI S.P.SINHA, ACCI/G.F.I UNDER DEE/GHY BY GM/NF RAILWAY IN CONNECTION WITH O.A. No.200 OF 1998.

As per directions of Hon'ble CAT/GHY on the above-mentioned OA (see CPO/A's noting above), the General Manager/NF Railway gave a personal hearing to Shri S.P.Sinha on date (i.e., 21-12-2000) in his chamber in the presence of CPO/Admn., Sr.DPO/LMG and DEE/GHY.

Although as per the order dated 05th May 1999 of CAT/GHY it was conveyed to Shri Sinha (see Sr.DPO/LMG's letter dated 20-12-2000 to him at SN-88) that if he so desired he could also submit a written representation to GM at the time of his personal hearing, he did not have any written representation to submit. Never the less, GM has given Shri S.P.Sinha further time up to 30th December 2000 to submit his written representation (if any) to be submitted through DEE/GHY and the same if received, will be put up to GM accordingly.


21/12/20
SrDPO/LMG

This case has again been discussed with CPO/Admn./MLG and the following action needs to be taken:

① Recording proof of attendance before GM for personal hearing. (This has been done vide SN-90).

② Review of assessment of (contd. to PP/16)

PP/16

95 (contd.) Shri Sinha's OTA claim
for the period 02-01-1984 to
02-01-1990.

Please compile all the relevant
circulars which were in force at the
material time and re-calculate the
OTA claim.

Case is to be put up to
CPO/Admin. for further appraisal
of GM.

26/12/2K

S. DPO

(DPO)

A.

Further to the above, as advised
by CPO/Admin., vide letter dtd. 22-12-2K
at SN/91, Shri S. P. Sinha, was
specifically reminded of the opportunity
provided to him by GM for submitting
his written representation (in addition
to the personal hearing already granted).

To this, Shri Sinha has submitted
his representation — addressed to
GM, through DIB/GHY — placed at
SN/93.

(contd. to PP/17)

PP/17

B.

The OTA claims of Shri Sinha for the period 02-01-1984 to 02-01-1990 have been re-calculated on the basis of the records — as available.

The statement of calculation is placed at SN/94 — as per which, after re-calculation, the total OTA claim amounts to Rs. 68,429.05 (sixty-eight thousand four hundred and twenty-nine rupees and five paise) only.

He has already received an amount of Rs. 17,997.09 (seventeen thousand nine hundred and ninety-seven rupees) only and therefore an amount of Rs. 50,432.00 (fifty thousand four hundred and thirty-two) only is due to him according to this re-calculation.

C.

The main reasons for the difference in Shri Sinha's OTA claim as above is because

- (1) he has based his statutory limit at 96 hours instead of 104 hours.
- (2) he has claimed 100% OTA for out station detention instead

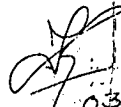
(contd. to PP/18)

PP/18

92 (contd.) of the due 25% only.

D

Shri N/B. Des, APO/I/LMG and
Shri Sarkar, DES/GHY may personally
appraise CPO/Admn./MLG accordingly.


03/01/01
S. DPO

APO/I/LMG

DES/GHY

4/1/01

contd. to PP/19

PP - 19

1. Further to my noting on this subject at PP-13 & 14 as per directions of the Hon'ble CAT/GHY, the GM/N.F.Rly. gave a personal hearing to Sri S. P. Sinha on 21.12.2000 in his chamber in presence of CPO/Admn., Sr. DPO/LMG and DEE/GHY.

2. During discussion, GM has given further opportunity to Shri Sinha to submit his written representation, if any by 30th December/2000 and accordingly, Shri Sinha has submitted his representation addressed to GM through DEE/GHY (placed at SN.93)

3. Shri Sinha's claim for payment of OTA for the entire period of journey from starting from HQ to return to the home station including the halting time at out-station is not acceptable. The OTA claim for the period of 2.1.84 to 2.1.90 in favour of Shri Sinha have been re-calculated in the office of the Sr.DPO/LMG on the basis of the records as available.

4. The statement of calculation sheet is placed at SN. 94. Now, OTA bill has been prepared keeping in view 100% credit for the full time spent while travelling on duty and 25% credit for the period of halt at destination stations. After re-calculation, the total OTA as payable to him amounts to Rs. 68,415.99 only, against his claim of Rs.1,20,179.95. An amount of Rs.17,997.09 has already been paid to him and therefore the balance amount of Rs.50,419/- is due to him.

5. The main reasons for the difference in Shri Sinha's OTA claim as above is because:

- a) He has based his rostered duty hours as 96 hrs. bi-weekly instead of 104 hrs. as per HOER.
- b) He has claimed 100% credit for the period of halt at out-station instead of 25% only, as per approved link diagram.

6. In this context, Sr.DPO/LMG's noting at PP/16 to 18 may please be seen.

It is also pertinent to mention here that no fund now exists under head of allocation 06-500-11 for payment of balance OTA, for which series of correspondences were made with the appropriate authorities from time to time.

Submitted to CPO/Admn. for his perusal disposal please.

CPO/Admn.

DEE/Guwahati.

GM may kindly see notings above and the linked file where judgement of Hon. CAT is flagged at F/A.

Views of DEE/GHY and Sr.DPO/LMG are at pp. 17 & 18. I agree with the views of Sr.DPO/LMG. 2 DEE/GHY.

GM may kindly pass suitable orders in view of the CAT's directions (F/A).

GM

10/10/01

Shri S. P. Sinha, ACCI/Gr.I/Guwahati while functioning as such for the period from 02.01.84 to 02.01.90 in the AC coaches of different trains had claimed OTA to the tune of Rs.1, 20,179.95/-. Based on the approved linked diagram for escorting of AC coaches by ACCI, an amount of Rs.17, 997/- was found to be payable and accordingly payment was made to the applicant.

As per the directions of Hon'ble CAT/GHY in OA No.200/98, I have given personal hearing to Shri S. P. Sinha on 21.12.2000. He was also advised to give any representation in addition to what he has expressed during personal interview. His fresh representation dt. 29.12.2000 to GM/NFR has also been examined. Based on the directions of Hon'ble CAT/GHY, taking into account all facts and position of rules and his latest representation dt. 29.12.2000, the claim has been examined and the admissibility aspect of OTA in favour of Shri Sinha has been reviewed by the undersigned afresh, as under:-

- (a) During the relevant period, two ACCIs were used to be booked to perform duty as per approved linked diagram and as such only 12 hours weightage was permissible against a duty of 24 hours a day while on travelling. However, it has now been decided that since there was no resting accommodation for ACCIs inside the coach as per Hon'ble CAT's directive he has been given full weightage for the entire period of duty while travelling in terms of Rly. Board's Letter No.E(LL)73/HER/26/ dt. 13.01.1977.
- (b) As per Board's Letter No. E(LL)83/HER/1-2 dt. 27.06.85 25% credit has also been granted for the time spent at outstation for the purpose of calculation of duty hours.
- (c) Keeping in view the above two aspects the OTA claim of Shri Sinha has been re-calculated and it is observed that a total amount of Rs. 68,416/- is admissible to him against which an amount of Rs. 17,997/- has already been paid and therefore, the balance amount of Rs. 50,419/- is to be paid to him. Process for early payment of Rs.50,419/- may be made.

For further immediate action (Take extract of return for reply & person of L/S & DPO for compliance of order)
10/1/01
 GM 10.1.2001
 N. F. Railway
 DEE

ADJ/LC DEE/GHY is requested to take immediate action for payment to the applicant.

DEE/GHY.

[Signature]
 10/1/01

Statement on payment of outstanding OTA in favour of Sri S.P.Sinha, ACCI/Gr.I /GHY for the period from 2.1.84 to 2.1.90.

Period of OTA	Basic pay	Total hours of OTA earned.	Hrs. of OTA on 1.5 times of normal wages.	Rate of OTA ph (in Rs.)	Amount of OTA (in Rs.)	Hrs. of OTA on 2 times of normal wages.	Rate of OTA ph (in Rs.)	Amount of OTA (in Rs.)	Total amount of OTA should have been drawn (in Rs.) 'A'	Amount of OTA already drawn (in Rs.) 'B'	Diff. of OTA now payable (in Rs.) 'A-B'
02.01.84 to 15.01.84	400/-	34 hrs.	2 hrs.	5.70	11.40	32 hrs.	7.60	243.20	254.60	nil	254.60
16.01.84 to 29.01.84	400/-	47 hrs.	4 hrs.	5.70	22.80	43 hrs.	7.60	326.80	349.60	nil	349.60
30.01.84 to 12.02.84	400/-	45 hrs.	3 hrs.	5.81	17.43	42 hrs.	7.74	325.08	342.51	nil	342.51
13.02.84 to 26.02.84	400/-	45 hrs.	3 hrs.	5.81	17.43	42 hrs.	7.74	325.08	342.51	nil	342.51
27.02.84 to 11.3.84	400/-	42 hrs.	3 hrs.	5.81	17.43	39 hrs.	7.74	301.86	319.29	44.80	274.49
26.3.84 to 8.4.84	400/-	53 hrs.	3 hrs.	5.81	17.43	50 hrs.	7.74	387.00	404.43	53.76	350.67
09.4.84 to 22.4.84	400/-	10 hrs.	3 hrs.	6.01	18.03	7 hrs.	8.02	56.14	74.17	nil	74.17
23.6.84 to 06.7.84	400/-	37 hrs.	4 hrs.	6.01	24.04	33 hrs.	8.02	264.66	288.70	353.10	(-) 64.40
07.7.84 to 20.7.84	400/-	7 hrs.	4 hrs.	6.01	24.04	3 hrs.	8.02	24.06	48.10	70.50	(-) 22.40
21.7.84 to 03.8.84	400/-	8 hrs.	4 hrs.	6.01	24.04	4 hrs.	8.02	32.08	56.12	79.92	(-) 23.80
04.8.84 to 17.8.84	400/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
18.8.84 to 31.8.84	400/-	43 hrs.	4 hrs.	6.12	24.48	39 hrs.	8.16	318.24	342.72	nil	342.72
01.9.84 to 14.9.84	400/-	98 hrs.	4 hrs.	6.12	24.48	94 hrs.	8.16	767.04	791.52	nil	791.52
26.10.84 to 08.11.84	400/-	95 hrs.	4 hrs.	6.12	24.48	91 hrs.	8.16	742.56	767.04	70.28	696.76
09.11.84 to 22.11.84	400/-	49 hrs.	4 hrs.	6.22	24.88	45 hrs.	8.29	373.05	397.93	nil	397.93
23.11.84 to 06.12.84	400/-	49 hrs.	3 hrs.	6.22	18.66	46 hrs.	8.29	381.34	400.00	nil	400.00
07.12.84 to 20.12.84	400/-	23 hrs.	3 hrs.	6.22	18.66	20 hrs.	8.29	165.80	184.46	nil	184.46
01.01.85 to 14.01.85	400/-	71 hrs.	4 hrs.	6.31	25.24	67 hrs.	8.42	564.14	589.38	nil	589.38
15.01.85 to 28.01.85	400/-	39 hrs.	4 hrs.	6.31	25.24	35 hrs.	8.42	294.70	319.94	nil	319.94
29.01.85 to 11.02.85	464/-	57 hrs.	3 hrs.	6.81	20.43	54 hrs.	9.07	489.78	510.21	78.68	431.53
12.02.85 to 25.02.85	464/-	25 hrs.	2 hrs.	6.81	13.62	23 hrs.	9.07	208.61	222.23	nil	222.23
26.02.85 to 11.3.85	464/-	55 hrs.	4 hrs.	6.81	6.81	51 hrs.	9.07	462.57	489.81	89.92	399.89
12.3.85 to 25.3.85	464/-	17 hrs.	1 hr.	6.81	6.81	16 hrs.	9.07	145.12	151.93	nil	151.93
26.3.85 to 08.4.85	464/-	46 hrs.	3 hrs.	6.81	20.43	43 hrs.	9.07	390.01	410.44	16.86	393.58
09.4.85 to 22.4.85	464/-	69 hrs.	4 hrs.	6.81	27.24	65 hrs.	9.07	589.55	616.79	nil	616.79
27.4.85 to 10.5.85	476/-	57 hrs.	3 hrs.	6.90	20.70	54 hrs.	9.19	496.26	516.96	nil	516.96
11.5.85 to 24.5.85	476/-	29 hrs.	3 hrs.	7.00	21.00	26 hrs.	9.33	242.58	263.58	nil	263.58
09.8.85 to 22.8.85	476/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
TOTAL					537.66			8917.31	9454.97	857.82	8597.15

23.8.85 to 05.9.85	476/-	48 hrs.	4 hrs.	7.10	28.4	44 hrs.	9.47	416.68	445.08	nil	445.08
06.9.85 to 19.9.85	476/-	57 hrs.	3 hrs.	7.10	21.3	54 hrs.	9.47	511.38	532.68	34.68	496.00
20.9.85 to 03.10.85	476/-	57 hrs.	3 hrs.	7.10	21.3	54 hrs.	9.47	511.38	532.68	nil	532.68
04.10.85 to 17.10.85	476/-	46 hrs.	2 hrs.	7.10	14.2	44 hrs.	9.47	416.68	430.88	nil	430.88
18.10.85 to 31.10.85	476/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
01.11.85 to 14.11.85	476/-	78 hrs.	4 hrs.	7.21	28.84	74 hrs.	9.61	711.14	739.98	nil	739.98
15.11.85 to 28.11.85	476/-	49 hrs.	3 hrs.	7.21	21.63	46 hrs.	9.61	442.06	463.69	nil	463.69
29.11.85 to 12.12.85	476/-	37 hrs.	3 hrs.	7.21	21.63	34 hrs.	9.61	326.74	348.37	nil	348.37
13.12.85 to 26.12.85	476/-	46 hrs.	3 hrs.	7.21	21.63	43 hrs.	9.61	413.23	434.86	35.16	399.7
25.01.86 to 07.02.86	1470/-	30 hrs.	4 hrs.	9.55	38.2	26 hrs.	12.73	330.98	369.18	8.79	360.39
08.02.86 to 21.02.86	1470/-	9 hrs.	4 hrs.	9.55	38.2	5 hrs.	12.73	63.65	101.85	nil	101.85
22.02.86 to 07.3.86	1470/-	27 hrs.	4 hrs.	9.55	38.2	23 hrs.	12.73	292.79	330.99	nil	330.99
08.3.86 to 21.3.86	1470/-	45 hrs.	4 hrs.	9.55	38.2	41 hrs.	12.73	521.93	560.13	300.48	259.65
22.3.86 to 04.4.86	1470/-	29 hrs.	3 hrs.	9.55	28.65	26 hrs.	12.73	330.98	359.63	nil	359.63
05.4.86 to 18.4.86	1470/-	29 hrs.	3 hrs.	9.55	28.65	26 hrs.	12.73	330.98	359.63	nil	359.63
19.4.86 to 02.5.86	1470/-	22 hrs.	1 hr.	9.55	9.55	21 hrs.	12.73	267.33	276.88	nil	276.88
03.5.86 to 16.5.86	1470/-	45 hrs.	2 hrs.	9.55	19.10	43 hrs.	12.73	547.39	566.49	18.26	548.23
17.5.86 to 30.5.86	1470/-	47 hrs.	4 hrs.	9.55	38.2	43 hrs.	12.73	547.39	585.59	nil	585.59
01.6.86 to 13.6.86	1470/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
14.6.86 to 27.6.86	1470/-	40 hrs.	4 hrs.	9.55	38.2	36 hrs.	12.73	458.28	496.48	nil	496.48
28.6.86 to 11.7.86	1470/-	42 hrs.	3 hrs.	9.55	28.65	39 hrs.	12.73	496.47	525.12	475	50.12
23.7.86 to 05.8.86	1470/-	47 hrs.	4 hrs.	9.93	39.72	43 hrs.	13.24	569.32	609.04	567.62	41.42
06.8.86 to 19.8.86	1470/-	84 hrs.	4 hrs.	9.93	39.72	80 hrs.	13.24	1059.20	1008.92	542.94	555.98
20.8.86 to 02.9.86	1470/-	26 hrs.	4 hrs.	9.93	39.72	22 hrs.	13.24	291.28	331.00	nil	331.00
03.9.86 to 16.9.86	1500/-	22 hrs.	4 hrs.	10.13	40.52	18 hrs.	13.51	243.18	253.70	nil	283.70
17.9.86 to 30.9.86	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
01.10.86 to 14.10.86	1500/-	14 hrs.	4 hrs.	10.13	40.52	10 hrs.	13.51	135.10	175.62	nil	175.62
15.10.86 to 28.10.86	1500/-	39 hrs.	4 hrs.	10.13	40.52	35 hrs.	13.51	472.85	513.37	nil	513.37
29.10.86 to 11.11.86	1500/-	21 hrs.	3 hrs.	10.13	30.39	18 hrs.	13.51	243.18	273.57	nil	273.57
12.11.86 to 25.11.86	1500/-	33 hrs.	1 hr.	10.13	10.13	32 hrs.	13.51	432.32	442.45	45.48	396.97
26.11.86 to 9.12.86	1500/-	49 hrs.	4 hrs.	10.13	40.52	45 hrs.	13.51	607.95	648.47	nil	648.47
10.12.86 to 23.12.86	1500/-	55 hrs.	4 hrs.	10.13	40.52	51 hrs.	13.51	689.01	729.53	nil	729.53
01.01.87 to 14.01.87	1500/-	24 hrs.	4 hrs.	10.52	42.08	20 hrs.	14.03	280.60	322.68	nil	322.68
15.01.87 to 28.01.87	1500/-	45 hrs.	3 hrs.	10.52	31.56	42 hrs.	14.03	589.26	620.82	nil	620.82
29.01.87 to 11.02.87	1500/-	37 hrs.	2 hrs.	10.52	21.04	35 hrs.	14.03	491.05	512.09	nil	512.09
12.02.87 to 25.02.87	1500/-	54 hrs.	4 hrs.	10.52	42.08	50 hrs.	14.03	701.50	743.58	nil	743.58
26.02.87 to 11.3.87	1500/-	73 hrs.	4 hrs.	10.52	42.08	69 hrs.	14.03	968.07	1010.15	34.11	976.04
TOTAL					1063.85			15711.33	16775.18	2062.52	14712.66

12.3.87 to 25.3.87	1500/-	64 hrs.	4 hrs.	10.52	42.08	60 hrs.	14.03	841.80	883.88	nil	883.88
26.3.87 to 08.4.87	1500/-	33 hrs.	3 hrs.	10.52	31.56	30 hrs.	14.03	420.90	452.46	nil	452.46
09.4.87 to 22.4.87	1500/-	79 hrs.	3 hrs.	10.52	31.56	76 hrs.	14.03	1066.28	1097.84	157.46	940.38
23.4.87 to 06.5.87	1500/-	16 hrs.	2 hrs.	10.52	21.04	14 hrs.	14.03	196.42	217.46	nil	217.46
07.5.87 to 20.5.87	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
21.5.87 to 03.6.87	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
04.6.87 to 17.6.87	1500/-	22 hrs.	3 hrs.	10.52	31.56	19 hrs.	14.03	266.57	298.13	nil	298.13
18.6.87 to 30.6.87	1500/-	57 hrs.	3 hrs.	10.52	31.56	54 hrs.	14.03	757.62	789.18	nil	789.18
01.7.87 to 14.7.87	1500/-	91 hrs.	4 hrs.	11.01	44.04	87 hrs.	14.68	1277.16	1321.20	47.28	1273.92
15.7.87 to 28.7.87	1500/-	53 hrs.	3 hrs.	11.01	33.03	50 hrs.	14.68	734.00	767.03	12.04	754.99
29.9.87 to 11.8.87	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
12.8.87 to 25.8.87	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
26.8.87 to 08.9.87	1500/-	16 hrs.	4 hrs.	11.01	44.04	12 hrs.	14.68	176.16	220.20	nil	220.20
09.9.87 to 22.9.87	1500/-	16 hrs.	4 hrs.	11.01	44.04	12 hrs.	14.68	176.16	220.2	nil	220.20
23.9.87 to 06.10.87	1500/-	32 hrs.	4 hrs.	11.01	44.04	28 hrs.	14.68	411.04	455.08	nil	455.08
07.10.87 to 20.10.87	1500/-	28 hrs.	4 hrs.	11.01	44.04	24 hrs.	14.68	352.32	396.36	nil	396.36
21.10.87 to 03.11.87	1500/-	51 hrs.	4 hrs.	11.01	44.04	47 hrs.	14.68	689.96	734.00	nil	734.00
04.11.87 to 17.11.87	1500/-	6 hrs.	4 hrs.	11.01	44.04	2 hrs.	14.68	29.36	73.40	nil	73.40
18.11.87 to 01.12.87	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
02.12.87 to 15.12.87	1500/-	68 hrs.	4 hrs.	11.01	44.04	64 hrs.	14.68	939.52	983.56	nil	983.56
16.12.87 to 29.12.87	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
01.01.88 to 14.01.88	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
15.01.88 to 28.01.88	1500/-	70 hrs.	4 hrs.	11.49	45.96	66 hrs.	15.32	1011.12	1057.08	nil	1057.08
29.01.88 to 11.02.88	1500/-	63 hrs.	4 hrs.	11.49	45.96	59 hrs.	15.32	903.88	949.84	nil	949.84
12.02.88 to 25.02.88	1500/-	81 hrs.	4 hrs.	11.49	45.96	77 hrs.	15.32	1179.64	1225.60	164.58	1061.02
26.02.88 to 10.3.88	1500/-	52 hrs.	4 hrs.	11.49	45.96	48 hrs.	15.32	735.36	781.32	nil	781.32
13.3.88 to 24.3.88	1500/-	91 hrs.	4 hrs.	11.49	45.96	87 hrs.	15.32	1332.84	1378.80	49.36	1329.44
25.3.88 to 07.4.88	1500/-	66 hrs.	4 hrs.	11.49	45.96	62 hrs.	15.32	949.84	995.80	nil	995.80
08.4.88 to 21.4.88	1500/-	104 hrs.	4 hrs.	11.49	45.96	100 hrs.	15.32	1532.00	1577.96	82.28	1495.68
22.4.88 to 5.5.88	1500/-	30 hrs.	3 hrs.	11.49	34.47	27 hrs.	15.32	413.64	448.11	nil	448.11
06.5.88 to 19.5.88	1500/-	52 hrs.	4 hrs.	11.49	45.96	48 hrs.	15.32	735.36	781.32	nil	781.32
20.5.88 to 02.6.88	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
03.6.88 to 16.6.88	1500/-	67 hrs.	3 hrs.	11.49	34.47	64 hrs.	15.32	980.48	1014.95	115.2	899.75
17.6.88 to 30.6.88	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
01.7.88 to 14.7.88	1500/-	38 hrs.	3 hrs.	11.98	35.94	35 hrs.	15.97	558.95	594.89	137.6	457.29
15.7.88 to 28.7.88	1500/-	19 hrs.	2 hrs.	11.98	23.96	17 hrs.	15.97	271.49	295.45	nil	295.45
29.7.88 to 11.8.88	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
TOTAL					1071.23			18939.87	20011.10	765.80	19245.30

12.8.88 to 25.8.88	1500/-	64 hrs.	3 hrs.	11.98	35.94	61 hrs.	15.97	974.17	1010.11	40.32	969.79
26.8.88 to 08.9.88	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
09.9.88 to 22.9.88	1500/-	85 hrs.	3 hrs.	11.98	35.94	82 hrs.	15.97	1309.54	1345.48	28.2	1317.28
23.9.88 to 06.10.88	1500/-	74 hrs.	4 hrs.	11.98	47.92	70 hrs.	15.97	1117.90	1165.82	nil	1165.82
07.10.88 to 20.10.88	1500/-	52 hrs.	3 hrs.	11.98	35.94	49 hrs.	15.97	782.53	818.47	nil	818.47
21.10.88 to 03.11.88	1500/-	51 hrs.	1 hr.	11.98	11.98	50 hrs.	15.97	798.50	810.48	169.2	641.28
04.11.88 to 17.11.88	1500/-	15 hrs.	1 hr.	11.98	11.98	14 hrs.	15.97	223.58	235.56	nil	235.56
18.11.88 to 01.12.88	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
02.12.88 to 15.12.88	1500/-	68 hrs.	4 hrs.	11.98	47.92	64 hrs.	15.97	1022.08	1070.00	nil	1070.00
16.12.88 to 29.12.88	1500/-	49 hrs.	4 hrs.	11.98	47.92	45 hrs.	15.97	718.65	766.57	nil	766.57
02.01.89 to 15.01.89	1500/-	66 hrs.	4 hrs.	12.56	50.24	62 hrs.	16.75	1038.50	1088.74	51.72	1037.02
16.01.89 to 29.01.89	1500/-	77 hrs.	4 hrs.	12.56	50.24	73 hrs.	16.75	1222.75	1272.99	nil	1272.99
30.01.89 to 12.02.89	1500/-	6 hrs.	3 hrs.	12.56	37.68	3 hrs.	16.75	50.25	87.93	470	(-) 382.07
13.02.89 to 26.02.89	1500/-	1 hr.	1 hr.	12.56	12.56	nil	nil	nil	12.56	nil	12.56
27.02.89 to 12.03.89	1500/-	23 hrs.	4 hrs.	12.56	50.24	19 hrs.	16.75	318.25	368.49	28.25	340.24
13.3.89 to 26.3.89	1500/-	10 hrs.	4 hrs.	12.56	50.24	6 hrs.	16.75	100.50	150.74	150.4	0.34
23.4.89 to 06.5.89	1500/-	102 hrs.	4 hrs.	12.56	50.24	98 hrs.	16.75	1641.50	1691.74	1898.8	(-) 207.06
07.5.89 to 21.5.89	1500/-	50 hrs.	4 hrs.	12.56	50.24	46 hrs.	16.75	770.50	820.74	1804.8	(-) 984.06
22.5.89 to 04.6.89	1500/-	41 hrs.	4 hrs.	12.56	50.24	37 hrs.	16.75	619.75	669.99	1936.4	(-) 1266.41
05.6.89 to 18.6.89	1500/-	22 hrs.	4 hrs.	12.56	50.24	18 hrs.	16.75	301.50	351.74	nil	351.74
19.6.89 to 02.7.89	1500/-	85 hrs.	4 hrs.	12.56	50.24	81 hrs.	16.75	1356.75	1406.99	14.70	1392.29
03.7.89 to 16.7.89	1500/-	1 hr.	1 hr.	13.05	13.05	nil	nil	nil	13.05	nil	13.05
17.7.89 to 30.7.89	1500/-	52 hrs.	3 hrs.	13.05	39.15	45 hrs.	17.40	783.00	822.15	332.16	489.99
31.7.89 to 13.8.89	1500/-	53 hrs.	4 hrs.	13.05	52.20	49 hrs.	17.40	852.00	904.80	1055.14	(-) 150.34
12.9.89 to 26.9.89	1500/-	50 hrs.	4 hrs.	13.05	52.20	82 hrs.	17.40	1426.00	1479.00	2520.64	(-) 1041.64
27.9.89 to 10.10.89	1500/-	17 hrs.	3 hrs.	13.05	39.15	14 hrs.	17.40	243.50	282.75	254	28.75
08.11.89 to 21.11.89	1500/-	51 hrs.	1 hr.	13.05	13.05	50 hrs.	17.40	870.00	883.05	1055.14	(-) 172.09
22.11.89 to 05.12.89	1500/-	nil	nil	nil	nil	nil	nil	nil	nil	nil	nil
06.12.89 to 19.12.89	1500/-	55 hrs.	4 hrs.	13.05	52.20	51 hrs.	17.40	887.40	939.60	1055.14	(-) 115.54
20.12.89 to 02.01.90	1500/-	99 hrs.	4 hrs.	13.05	52.20	95 hrs.	17.40	1653.00	1705.20	1445.94	259.26
TOTAL					1091.14			21083.60	22174.74	14310.95	7863.79

- 25 -

104

Summary Statement on payment of outstanding OTA in favour of Sri S.P.Sinha , ACCI / Gr. I / GHY for the period of 02.01.84 to 02.01.90

Page No.	Amount of OTA on 1.5 times of Normal wages (In Rs.)	Amount of OTA on 2 times of Normal wages (In Rs.)	A Total amount of OTA should have been drawn (In Rs.)	B Amount of OTA already drawn (In Rs.)	(A - B) Difference of OTA now payable (In Rs.)
1	537.66	8917.31	9454.97	857.82	8597.15
2	1063.85	15711.33	16775.18	2062.52	14712.66
3	1071.23	18939.87	20011.10	765.80	19245.30
4	1091.14	21083.60	22174.74	14310.95	7863.79
TOTAL	3763.88	64652.11	68415.99	17957.09	50418.90

I.e. 50419

(Rupees fifty thousand four hundred
nineteen only).