

01/100

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**GUWAHATI BENCH**  
**GUWAHATI-05**

(DESTRUCTION OF RECORD RULES, 1990)

**INDEX**

O.A./T.A No. 49/2002

R.A/C.P No.

E.P/M.A No.

1. Orders Sheet. OA-49/2002 Pg. 1 to 2
2. Judgment/Order dtd. 15/02/02 Pg. No separate order disposed
3. Judgment & Order dtd. .... Received from H.C/Supreme Court
4. O.A. 49/02 Pg. 1 to 20
5. E.P/M.P. .... Pg. .... to .....
6. R.A/C.P. .... Pg. .... to .....
7. W.S. .... Pg. .... to .....
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.)

FORM NO. 4

( See Rule 42 )

# In The Central Administrative Tribunal

GUWAHATI BENCH : GUWAHATI

## ORDER SHEET

APPLICATION NO. 49 of 2002

OF 199

Applicant(s) Sri Abdul Malik

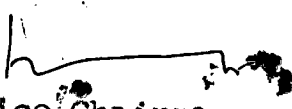
Respondent(s) U.O.I & ORS.

Advocate for Applicant(s) Mr.K.Basar  
Mr.D.Choudhury  
Mr.K.J.Saikia.

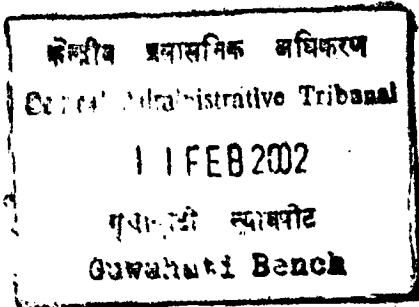
Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
<p>This is an application in form C.F. No. 50/- deposited vide IPO/ED No 74547015 Dated 8.2.2002</p> <p>By Dy Registrar 15/2/02</p>	15.2.02	<p>By this Application the applicant has sought for direction to pay the Overtime Allowance. The applicant worked as SPA under the Respondents and retired on 3.4.96. The applicant pleaded that he performed 12 hours duty as SPA at Jogi-ghopa Pump House since 1970. Vide order dated 15.2.2001 the AFO/PC/Alipurduar Junction rejected the prayer for Overtime Allowance.</p> <p>Hence this application. The applicant moved this Tribunal seeking for direction to pay the Overtime Allowance. Vide communication No.E/9/OTA/Pt.III dated 16th October 2001 addressed to SSE/Elect/Bongaigaon from the Divisional Railway Manager(P) for resubmitting the claim. It thus appears that the matter is under consideration. By the said communication the SSE was advised to resubmit the Overtime Allowance claim preferred by the</p>

contd/-

Notes of the Registry	Date	Order of the Tribunal
<p>28.2.2002</p> <p>Copy of the order has been sent to the Dy. Sec. for study in view of the Applicant as well as to the Dy. Sec. for the Respondents</p> <p>LM</p>	15.2.02	<p>staff alongwith the related documents like Attendance sheet, Muster roll, actual on roll staff position to enable them to finalise long outstanding cases. The respondents have taken the matter of with right earnest. In that facts and circumstances it would not be appropriate for the Tribunal to intervene in the matter. The Respondent No.2 is the appropriate authority to make appraisal of the matter an evaluation of facts and resolve the situation in a just, fair and reasonable manner. The disputation is a protracted one. So also the applicant is advancing in age, he attained the age of superannuation in the year 1996. Such matter should brook no delay. In the set of circumstances the Respondents are directed to complete the exercise as expeditiously as possible and preferably within two months from the receipt of the order.</p> <p>The application thus stands disposed. No costs.</p> <p> Vice-Chairman</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : GUWAHATI BENCH



GAUHATI CASE No. 49 of 2002

Abdul Malek ..... Applicant

- Vs -

Union of India and others ..... Respondents

I N D E X

<u>Sl.No.</u>	<u>Particulars</u>	<u>Page No.s</u>
1.	Original Application	1 to 10
2.	Verification	11
3.	Annexure - 1	12, 13
4.	Annexure - 2	14
5.	Annexure - 3	15
6.	Annexure - 4	16
7.	Annexure - 5	17
8.	Annexure - 6	18
9.	Annexure - 7	19
10.	Annexure - 8	20.

Filed by:

— Samal Gopinath —  
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :GUWAHATI BENCH

Gauhati Case No. 49 of 2002

In the matter of :

✓ Shri Abdul Malik  
Ex-SPA, Gr-I/JPZ  
Village - Kabaitary,  
P.O.- Ashok Paper Mills,  
Jogighopa, Dist. Bongaigaon,  
Pin - 783382 (Assam).

..... Applicant

- Vs -

1. Union of India,  
represented by the Secretary to the  
Rail Way Department, Government of  
India, New Delhi

2. The General Manager,  
N.F.Railway, Maligaon,  
Guwahati - 781011.

3. The Divisional Railway Manager (P)  
Alipurduar Junction,  
N.F.Railway, Alipurduar Junction.

4. The Senior Superintending Engi-  
neer, Electrical, Bongaigaon

..... Respondents

Contd ...to...p/2

Filed by:  
Abdul Malik  
through:  
Sanjay Singh  
Jain  
5/2/2002

(ABDUL MALEK)

**DETAILS OF APPLICATION :**

**I. Particulars of the order against which the application is made :**

(a) Letter bearing No.E/123/APDJ/RLC/GHY. dated 15.02.2001 issued by Shri S.C.Banarjee, A.P.O/PC/APDJ for Divisional Railway Manager(P)/APDJ whereby the Assistant Labour Commissioner, Rajgarh Road, Chandmari Guwahati -03 was communicated about the grievance of non payment of overtime allowance that "the applicant has no locus-standi for payment of OTA."

(b) Order issued by the Divisional Railway Manager(P), Alipurduar Junction to the SSE(Elect)/BNGN, N.F.Railway vide No.E/9/OTA/Pt.III dated the 16th October, 2001 stating that the OTA claimed by the applicant for the period from 01.10.91 to 01.02.97 submitted in 1998 has been found not eligible for OTA by the concerned staff according to the 12 hrs. shift duty.

**II. Jurisdiction of the Tribunal :**

The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

**III. Limitation :**

The applicant further declares that the application is within the limitation period prescribed in section 21 of the Administrative Tribunal Act, 1985.

**IV. Facts of the Case :**

(a) That the applicant is permanent resident of village Kabaitary, P.O. Ashok Paper Mills, Jogighopa in the district of Bongaigaon.

(b) That the applicant was appointed as SPA through EC/BGCP/JPZ in N.F.Railway vide letter No.E/227/Elec/7073 dated 16.12.1966. Since 16.12.1966 the applicant had been serving in the said department till his retirement from service on 30.4.1996 as SPA-Gr-I under SSE/Elect/BNGN, N.F.Railway.

A copy of appointment letter vide No.E/227/Elec/7073 dated 16.12.1966 is annexed hereto and marked as **Annexure-1**.

(c) That the applicant had performed 12 Hrs. duties as SPA at Jogighopa Pump House since 1970. The General Manager, Personnel, Maligaon and Divisional Rail Way Manager, Personnel, Alipur Duwar Junction advised the Senior Superintending Engineer, Electrical, Bangaigaon vide Letter No. E/301/Elect/MU dated 18.2.98 to collect over time (OTA) journals from his staff who worked for 12 Hours duty at Jogighopa Pump House for the period from October, 1991 to September, 1997. Your petitioner and others were assured overtime allowance (OTA) with effect from October, 1991 to September, 1997; though, fact remains that the petitioner had been rendering 12 hours duty at Jogighopa Pump House under the Senior Superintending Engineer, Electrical. Your petitioner and other staff submitted the over time allowance (OTA) journals as per instruction of the Senior Superintending Engineer, Electrical on the basis of letter vide No.E/301/Elect/MU dated 18.2.98 of General Manager/Personnel/Maligaon, Divisional Rail Way Manager Personnel Alipur Duwar Junction. The Senior Superintending Engineer, Electrical, Bangaigaon forwarded the overtime allowance (OTA) journals of his staff who worked 12 Hrs. duty at Jogighopa Pump House for the period from Oct.91 to Sept.97 to Divisional Rail Way Manager, Personnel, Alipur Duwar Junction vide his letter No. BN/W/Pump-440 dated 23.5.98 which was duly countersigned by Assistant Engineer Electrical, Bangaigaon.

(d) That Senior Superintending Engineer, Electrical Bongaigaon sent reminder to Divisional Railway Manager (Personnel), Alipurduar Junction vide his letter dated 23.5.98 and quoting the reference of OTA of staff working at JPZ vide L/No - E/3001/Elect/MU dated 18.2.98 stated that OTA journals against the staff who worked 12 hrs duty at JPZ pump house for operation of pumps have been furnished <sup>for the period</sup> with effect from Oct/91 to Sept/97 as advised by the Divisional Railway Manager Personnel Alipurduar vide his aforesaid letter. He requested thereby the DRM(P)/APDJ to take further necessary action.

A copy of the aforesid letter No.E/3001/Elect/MU dated 18.2.98 is annexed hereto and marked as **Annexure - 2.**

(e) That after submission of the OTA journals by the Senior Superintending engineer, Electrical, Bongaigaon to the Divisional Rail Way Manager, Alipur Duwar Junction, the authority made payment of the OTA to some of the staff whose names were recommended, but the petitioner was deprived of the same. Hence, he submitted his representation before the Divisional RailWay Manager, Alipur Duwar Junction for payment of his dues of OTA since in the mean time he had retired from his service.

A copy of the aforesaid application dated 25.10.99 is annexed hereto and marked as **Annexure - 3.**

(f) That the petitioner, thereafter submitted another representation on 23.12.99 before the Cabinet Secretariat (Public Grievance) stating inter alia the discrimination in respect of payment of the OTA as stated above. The said representation of the petitioner was forwarded by the Director, Cabinet Secretariat (Public Grievances) Government of India vide his letter



No.DPG/R/2000/00052(2) (NFR) on 19.1.2000 to the Chairman Rail Way Board, Ministry of Rail Ways, Rail Bhawan, New Delhi and your petitioner was informed about forwarding his representation to V.K.Aggarwal, Chairman, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi who would examine and inform the petitioner suitably.

A copy of representation dated 23.12.99 as stated above and the aforesaid letter No. DPG/R/2000/00052(2) (NFR) dated 19.1.2000 are annexed hereto and marked as **Annexure - 4 & 5** respectively.

(g) That thereafter the applicant made various representations, but nothing was done. Being aggrieved due to not taking any action for payment of the overtime allowance (OTA), the petitioner made complaint before the Assistant Labour Commissioner, Government of India, Ministry of Labour, Ashram Road, Ulubari, Guwahati - 07 on 28.08.2000. The Assistant Labour Commissioner (Central), Guwahati informed the applicant vide letter No.54(39)/2000-G/A dated 16th April 2001 that the Management after enquiry had given their findings vide letter No.E/123/APDJ/RLC/GHY dated 15.02.2001, and that findings was that 'The job analysis report of SPA attached to the Electric Pump at station JPZ has been examined by CPO/IR/MIG and it has been communicated vide GM(P)/MLG's letter No. E/123/44(ADJ) TFC/APDJ/Pt.VI dtd. 8.2.2001 that the classification of employment of SPA attached to Electrical Pump at Station JPZ not warranted for upgradation of duty roster to continuous classification and justified for retention of E.I. classification based on present quantum of work load.' Accordingly, in view of the above the claim of the petitioner regarding OTA was rejected by the authorities concerned.

And a copy of the letter No.54(39)/2000-G/

A dated 16th April 2001 issued by the Assistant Labour Commissioner (Central), Rajgarh, Guwahati -3 and a copy of the letter vide No.E/123/APDJ/RLC/GHY dated 15.02.2001 issued by the A.P.O./PC/APDJ for Divisional Manager (P)/ APDJ are annexed hereto and marked as **Annexure - 6 & 7 respectively.**

(h) That the Divisional Railway Manager (Personnel), Alipur Duar Junction wrote to the Senior Superintending Engineer, Electrical, Bongaigaon N.F. Railway vide his letter No.E/9/OTA/Pt-3 dated 16 Oct.2001 that the OTA claimed by the staff for the period from 1.10.91 to 1.2.97, although <sup>was not</sup> ~~has been~~ <sup>not</sup> eligible, however N.F. Railway Mazdoor Union raised the point that the claim may be entertained on the basis of the declaration that the station JPZ is as road side station. Accordingly, the Senior Superintending Engineer, Electrical, Bongaigaon was advised again to resubmit the OTA claim preferred by the Staff along with related documents like attendant sheet, muster roll, actual on staff position, duty hours as per approved roster etc. at the earliest to enable to finalise the long standing cases.

A copy of the aforesaid letter is annexed hereto and marked as **Annexure -8.**

(i) That the petitioner states that the Divisional Railway Manager, Alipurduar Junction assured the overtime allowance for the period from 1.10.91 to 1.2.97 knowing fully well about the requirement of Overtime duty of the staff at Jogighopa Station. The Divisional Railway Manager offered the incentives to the staff considering their devotion in their duty and this was a promise to the petitioner and others for their discharge of overtime duties. The Divisional Railway Manager knew it well about the Jogighopa Station and about the mode of working of the staff in regard to their entitlement of overtime allowance.

The promise to pay the OTA was within the ambit of his jurisdiction and he made the promise with the determination that even if the Jogighopa station is required to be declared to be a non road side station for fulfilment of the promise made to the staff at Jogighopa, he would do so in future course of action for payment of such OTA to the poor petitioner and others of the staff.

(j) That being aggrieved and dissatisfied with the action communicated through letter No.E/123/APDJ/RLC/GHY dated 15.02.2001 issued by the A.P.O./PC/APDJ for Divisional Manager (P)/ APDJ (Annexure -6) to the respondent No.3, the applicant presents this application before this Hon'ble Central Administrative Tribunal on the following grounds for the ends of justice .

**V. Grounds for relief with legal provisions :**

(a) That the authorities had promised to pay the overtime allowance through their communication as stated above and the authorities are estopped to re-side from their promise by not paying the OTA saying it that the petitioner and others are entitled to OTA.

(b) That the declaration was effected by the Divisional Railway Manager (Personnel) Alipurduar Junction so far payment of overtime allowance to the petitioner and others of the staff who were rendering overtime duty at Jogighopa station and such declaration was implicit in the advice to the Senior Superintending Engineer, Bongaigaon in respect of preparation of overtime duty Journals for the purpose of payment of the OTA, as such, the declaration as to their eligibility of OTA was very much there with the advice of Divisional Railway Manager. Accordingly, the declaration about the non eligibility of OTA by order dated 15.2.2001 is illegal and liable to be set aside.

(ASD L2 MALEK)  
12

(c) That the petitioner cannot be discriminated from other railway staff in respect of getting OTA for overtime duty which they are bound to perform under compulsion as per order of the superior authority, and disobeying such order amounts to insubordination and which may take away their service. As such, in such circumstances, where the poor employee is not vested with any power to bargain with the authority for their remuneration due to their unequal standing, the authority cannot take an exploitative advantage to put the employee in uncertainty of getting their remuneration by assuring OTA one time and rejecting the same other time after enjoying their overtime duty.

(d) That the Railway authority is an authority under the Union of India which is supposed to have all fairness in action by dint of Constitutional mandate, but, deprivation of OTA to the petitioner in the manner as has been stated in this petition is uncalled for and cannot be deemed as to have been an action which has been taken with fair mind of the authority and sans of any arbitrary exercise of powers.

(e) That in the view of any law prevailing at present, the petitioner cannot be discriminated from other employees under the Railway authority in respect of getting overtime allowance, and further the rejection of claim of overtime allowance saying it that Jogighopa station is <sup>not</sup> a non roadside station is illegal and not sustainable in view of the decision taken for giving OTA to the staff working at Jogighopa.

(f) That in any view of law and equity the stand of the authorities by breaking their promise to pay OTA is liable to be rejected and the respondents are liable to be directed to immediate payment of OTA with interest

(ABDUL MALEK)

13

**VI. Details of the remedies exhausted :**

That the applicant declares that he has availed of all the remedies available to him under the law.

**VII. Matter not previously filed or pending with any other Court :**

That the applicant further declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any Court or any other authority of any other Bench of the Tribunal nor any such application, writ petition or suit is pending before any of them.

**VIII. Reliefs sought for :**

In view of the facts mentioned in para IV of this instant application, the applicant prays for the following reliefs :

(a) That after perusal of the records and hearing the parties the letter issued by the A.P.O./PC/APDJ for Divisional Manager (P)/ APDJ vide No.E/123/APDJ/RLC/GHY dated 15.02.2001 (Annexure - 6) may be set aside and quashed.

(b) And that the respondents be directed to pay the Overtime Allowance with interest at the rate of 18% to the applicant .

(c) And/or pass any other order/orders as this Hon'ble Tribunal deem fit and proper.

**IX. Interim order, if any, prayed for :**

That the applicant prays for no interim order.

(ABDUL HAK)  
14

X. Application fees of Rs.50/- in the form of IPO No. 76 547015  
dated 8.2.02 payable at Guwahati Head Office is  
enclosed.

XI. List of enclosures :

As per Annexures in the index of the application are  
enclosed.

V E R I F I C A T I O N ...

V E R I F I C A T I O N

I Sri Abdul Malik, aged about 63 years, S/O - Late Abdul Latif Sah, resident of village Kabaitari, Part V (Uttar), P.O. & P.S.- Jogighopa in the district of Bangaigaon do hereby verify that the contents of para I to XI are true to my personal knowledge which I believe to be true on legal advice and that I have not suppressed any material facts.

And I sign this verification at Guwahati on this the 11 day of *February*, 2002.

*Abdul Malik*

SIGNATURE OF THE APPLICANT

(12) Annexure - 2  
NORTHEAST FRONTIER RAILWAY.

Office of the  
Assistant Electrical Engineer,  
Alipurduar Jn.

No. E/227/Elec/7073

Dated: 16.12.1966.

To: Shri Abdul Malik, casual SPA  
Through EC/B&CP/DP2

Sub: Temporary appointment as SPA  
on pay Rs. 75/- P.M. authorised scale per  
month in scale Rs. 75-2-85-60-2-95-3-101-80-3-110-1-  
(Authorised Scale) plus usual dearness  
allowance as admissible from time to time  
(Date of selection by the Recruitment  
Committee 12-9-66 and 14-9-66).

I am prepared to offer you a post of SPA  
in grade and rate of pay specified above plus usual dearness  
allowance subject to your passing the prescribed medical exami-  
nation by an authorised Medical Officer of Indian Railways and  
on production of your age-proof certificate.

2. Your appointment will be temporary in the first instance  
~~under terms and conditions applicable to class III (Artisan)~~  
temporary ~~By~~ servants, but you may ~~in~~ class III (Artisan)  
in accordance with your seniority on fulfilment of condi-  
tions as per rules.

3. It may be clearly understood that the appointment is  
terminable on 14 (Fourteen) days notice on either side except  
that no such notice is required if the termination of service is  
due to the expiry of the sanction to the post you hold or on  
return to duty of the absentee in whose place you may be  
engaged in which case your service will be automatically  
terminable from the date of expiry of the sanction or from the  
date the former resumes his duty, as the case may be. Also no  
such notice will be required if the termination of service  
is a disciplinary measure after compliance with the provisions  
of clause II of Article 311 of the constitution of India.

4. You will be held responsible for the charge and care  
of Govt. money, goods and stores and all other properties that  
may be entrusted to you.

5. You will be required to take an oath of ~~allegiance~~  
allegiance or make an affirmation in the form indicated below:

" I Abdul Malik do swear/solemnly affirm  
that I will be faithful and bear true allegiance to Indian and  
to the constitution of India as by law established and that I  
will carry out the duties of my office loyally, honestly and  
with impartiality. " So help me God."

Note: In case of objection to oath taking take a solemn  
affirmation in the prescribed form indicated above.



6. You will confirm to all rules and regulations applicable to your appointment. You must be prepared to accept the offer of appointment at any station on the Northeast Frontier Railway system. Although you are initially appointed for a particular Rly. Dist., you are liable to be transferred to any station of this Railway in the exigencies of service and you should definitely indicated in your acceptance that you will abide by those conditions.
7. If you intend to take up the appointment on those, please report to the Assistant Electrical Engineer, Northeast Frontier Railway, Alipurduar Jn. personally on or before 21-12-66 failing which this offer will lapse and will not be renewed. Your pay will commence from the date you join duty at the office where you will be posted, after you have been medically fit.
8. Quarters will be provided only if available and no guarantee can be given.
9. No travelling allowance nor any free Rl. Pass will be granted for joining the post.
10. If you intend to take up the appointment, you are also to produce your character certificate in the proforma shown below from the Gazetted Officers of Central/State Govt.

Assistant Electrical Engineer,  
N.F. Railway/Alipurduar Jn.

I accept the offer on terms detailed above and declare that I shall abide by the conditions stipulated in para-6 of page-2.

Date 23.12.66

Abdul Malik

Signature of the candidate.

CERTIFICATE OF CHARACTER.

Certified that I have known Shri Abdul Malik for the last \*\* 2 yrs Son of Shri Abdul Latif months and that to the best of my knowledge and belief bears reputable character and is no antecedents which render him unsuitable for Govt. employment.

Shri Abdul Malik is not related to me.

Place Chalantapara

Date 23/12/66

Signature [Signature]  
Designation [Signature]  
(Office stamp) 23/12/66

\*\* Atleast six months of the name of sign is the certificate.

(14)

ANNEXURE - 2

From: EBN/JP/ELUMP-440 Date: 23-5-98  
To: EBN/JP/ELUMP-440 BNGN-440 TO DRM-(P) APTJ

Through: - AEE/K/BBQ

OTA of staff working  
at JPZ.

Your L/Nº E/301/Elect/MU  
dt. 18-2-98

In term of your letter under  
ref. the OTA Journals against the staff  
who worked 12 hrs. duty at JPZ pump  
house, for operation of pumps have been  
furnished w/f Oct/91 to Sep/97 as  
induced through your above ref. letter  
only countersigned by AEE/K/BBQ  
to take further necessary action  
Please.

Dr. - 162X2 Copies

Copy to: - AEE/K/BBQ :-

He is requested to endorse on  
regarding the rest of the staff who are  
performing 12 hrs. duty on week  
at JPZ. He should furnish OTA by

Attested by  
Samal Jyoti Sarker  
Advocate

(15)

Dt: 25.10.99.

To,

DRM/APDJ,  
N.F.Rly.

Through : Proper channel.

Sub : Non payment for arrear OTA for the period from  
Oct'91 to Sept'97 infavour of Sri Abdul MALAK,  
SPA/Gr-I retired on 30/4/96.

Respected Sir,

I have been working as SPA at JPZ, under SSE/  
Elect/BNGN since 1970 but I have been retired from Rly.  
service on 30/4/96 during the service period, I have  
worked 12 Hrs. roster duties at Pump House JPZ with  
others staff in different periods by the Instruction of  
SSE/Elect/BNGN. It is very painful matter I have not yet  
received above payment now I am a retired employee and  
poor pensioner, I could not make out the position fo  
above OTA.

That Sir, I approached to you for your good deci-  
sion to arrange payment as possible. If I not receive  
within 30 days, I will go to under shelter of Law for  
verdict, payment should be made with interest. It is very  
shameless i.e. word before retirement a good number amount  
credited in your account.

Attested by:  
Samal J.P. Paikie  
Assistant

Lastly, I most fervently request you that you  
kindly look into the matter sympathically and arrange  
payment to me at an early date.

Thanking you.

Yours faithfully  
Abdul Malek

Copy to:

1) DPO, ii) DEE, iii) DAO, iv) Welfare Inspector/APDJ  
v) Gr. Secretary, NFRMU/BNGN - for your information.

Yours faithfully  
Abdul Malek  
village : Kabaitory,  
P.O.: Jogighopa,  
Dist: Bongaigaon (Assam)

(16)

ANNEXURE - 4

To,  
The Cabinet Secretariate (Public Grievances)  
3rd Floor, Sardar Patel Bhawan,  
Sansad Marg,  
NEW DELHI - 110 001

Sub : NON-RECEIPT OF O.T.A. FOR THE PERIOD FROM OCT./91  
TO APR./92 IN FAVOUR OF SRI ABDUL MALAK, S.P.A/GR..  
RETIRED ON 30.04.90 UNDER CSE/ELECT./BONGAIGACH  
N.F. RAILWAY.

Sir,

I take this opportunity to draw your kind attention that I am a retired Railway Employee. In reference above quoted, during my Service Period I perform Extra Duties with Roster Duty whereas involved with O.T. as per instruction of CSE/Elect./Bongaigaon, accordingly, I have claimed O.T. and submitted necessary papers, a good number amount of have been credited candidate under Railway Department, I made several request to different authorities, it is very painful matter, I have not yet received the above amount after retirement from Railway Service. I submitted herewith One Application whereas my self explanatory for your information and necessary action please, no Railway Authority paid heed no attention to my prayer that I am a poor Pension Holder can run the family expenses by poor Pension during this hard days.

Therefore, I very earnestly request to you that you will be kind enough to grant and to arrange my O.T. at an early date thus my family might be helped by this amount of O.T. after retirement and long period thus my prayer may be solved by your mercy hand, neither I am deprived from large amount it seemed to be by arithmetically. In this regard DPO, DEE and DAO, Alibardi Junction, N.F. Railway very very aware of this matter after I knocked at there doors but evain in every times.

Thanking you Sir,

Yours faithfully,

(ABDUL MALAK)  
VILL. KABAITARY,  
P.O. JOGIGHOPA,  
DIST. BONGAIGACH (ASSAM)

DA - 1 Application.

PLACE : JOGIGHOPA.

DATE : 23.10.91

Attested by:  
Samal Jyoti Sankar  
Advocate

(17)  
GOVERNMENT OF INDIA  
CABINET SECRETARIAT  
PUBLIC GRIEVANCES  
2nd Floor, Sardar Patel Bhawan  
New Delhi - 110001  
FAX No.: 91-011-3345637

ANNEXURE - 5

19/1/2000

To  
Shri. ABDUL MALAK  
VILL PARAITARY PO JOGIGHOPA  
DISTT BONGAIGACH  
Assam

Dear Sir,

Ref. No. DPG/R/2000/00052 (2) (NFR)

Sub:- Terminal benefits after retirement (Railways Sector)

Your representation dated 23/12/1999 on the above subject has been received by us and the same has been forwarded to the

Shri. V.K. Aggarwal  
Chairman  
Railway Board, Ministry of Railways  
Rail Bhawan, New Delhi.

who will examine and inform you suitably.

Your complaint/representation has been transferred since  
NORMAL ADMINISTRATIVE CHANNELS OF REMEDY NOT EXHAUSTED

Further correspondence in the matter may be addressed to him directly.

Thanking You,

Yours faithfully,

*S. Chhibba*

(Sunita Chhibba)  
Director

Tel. : 3364875

Email : sunita@dpags.delhi.nic.in

Attested by:

*Kamal Jyoti Bhaikar*  
*Associate*

Govt. of India  
Ministry of Labour  
Office of the Assistant Labour Commissioner (Central)  
Rajgarh Road, Chandmari  
Guwahati-3.

No.54(39)/2000-G/A.

Dated the,

16 APR 2001

To,

Shri Abdul Malik  
Ex-SPA, Gr-I/JPZ  
Village- Kabaitary  
P.O. Ashok Paper Mills  
Jogighopa, Dist. Bongaigaon  
Pin- 783382 (Assam).

Subject :- Non-payment of overtime allowance for  
the period w.e.f. Oct/91 to Sept/97  
for 12 hrs. duty at Jogighopa pump  
house in place of 8 hrs. duty.

Sir,

With reference to the complain dated 28.08.2000  
on the above subject.

Management after enquiry has been given their  
findings which is being communicated for your information  
please.

Yours faithfully,

Encl: A copy of  
enquiry report.

(S.K.CHATTOPADHYAY)  
Assistant Labour Commissioner (Central)  
Guwahati.

Attested by:

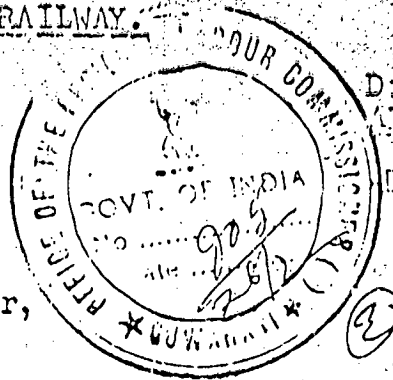
Lawal Jyoti Sarker  
Advocate

(19)

ANNEXURE - 7

BY REGD/AD

N.F. RAILWAY.



Office of the  
Divl. Rly. Manager (P),  
Alipurdwar Junction.

Dated. 15/02/2001.

NO : E/123/APDJ/RLC/CHY.

To  
The Asstt. Labour Commissioner,  
Rayghar Road, Chandmari  
Guwahati-3.

Dear Sir,

Sub:- Non-payment of overtime allowance to Abdul  
Matek, Ex. SPA/JPZ.

Ref:- ALC/CHY's L/No.54(39)/2000-C/A/Rt. 16.11.2000.

.....

*Handwritten: Study by 22/2/01*  
The job analysis Report of SPA attached to the Electric Pump at station JPZ has been examined by CPO/IR/MLG and it has been communicated vide GM(F)/MLG's letter No.E/123/44(ADJ)TFC/AMEJ/Pt.VI dt.8.2.2001 that the classification of employment of SPA attached to Electric Pump at station JPZ not warranted for upgradation of duty roster to continuous classification and justified for retention of E.I classification based on ~~work~~ present quantum of ~~work~~ load.

In view of the above the grievance of Abdul Matek, Ex.SPA/JPZ referred to this office vide your letter cited above has no locus-standi for payment of OTA which may kindly be informed accordingly.

*Handwritten: Yours faithfully*  
( S.C. Banerjee )  
A.P.O/FC/ALJ

for Divl. Rly. Manager (P)/APDJ.

Copy to:- 1. APO/Legal Cell/MLG for information and necessary action please.

2. OS/E/Elect/APDJ. 3. SSE/Elect/ENGN.

for Divl. Rly. Manager (P)/APDJ.

Spd15)

*Handwritten: Attested by: Samal Gopalakrishnan*



N.F. RAILWAY.

NO: E/9/OTA/Pt. III.

To,  
SSE[Elect]/BNGN.  
N. F. Railway.

(20)

ANNEXURE - 8

27

OFFICE OF THE  
DIVL. RAILWAY MANAGER (P)  
ALIPURDUAR JUNCTION.

Dated : The 16<sup>th</sup> October, 2001.

Sub : OTA claim of Sri A. Malek, SPA/JPZ and  
others for the period from 1.10.91 to 1.2.97.

The OTA claimed by the aforesaid staff for the period from 01.10.91 to 01.02.97 submitted in 1998 has been verified and found not eligible for OTA by the concerned staff according to the 12 hrs. shift duty. However, NFRMU has raised the point that the claim may be entertained based on declaration that the station JPZ as non-roadside station. As such you are advised to resubmit the OTA claim preferred by the staff along with the related documents like Attendance sheet, Muster roll, actual on roll staff position, duty hours as per approved roster etc. at the earliest to enable to finalize the long outstanding cases.

for DIVL. RLY. MANAGER (P)  
ALIPURDUAR JUNCTION.

Attested by:

Kamaljit A. P. K. K.  
Advocate