

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES,1990)

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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

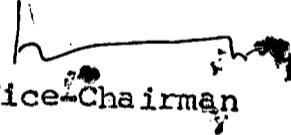
Respondent(s) U.O.I & ORS.

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

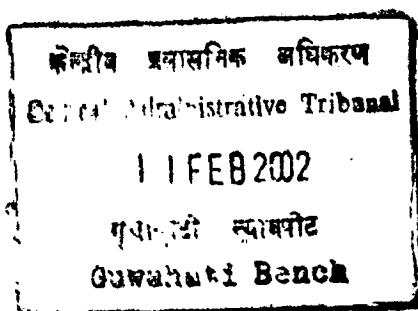
Advocate for Respondent(s) C.G.S.C.

Notes of the Registry	Date	Order of the Tribunal
This is an application in form C. F. for Rs. 50/- deposited vide IPO/CD No 7454/2015 Dated 8.2.2002 <i>D. B. Registrar</i> 5/2/02	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-ho 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
<u>28.2.2002</u> Copy of the order has been sent to the D/Sec. for ready the same to be applied as well as to the Rly. Adv. for the Respondents <i>SS</i>	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 on 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>1m.</p>
		 Vice-Chairman

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

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Filed by:

Sameer Ghoshal
Advocate

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :GUWAHATI BENCH

Filed by :
Abdul Malik
through :
Jawaliya Sir S. G. S.
Date : 3/2/2002

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

(ABDUL MALEK)

6

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 ^{for the period} 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 aforesaid 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, Bangaigaon 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 has been ~~not~~ 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 renege 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.

(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 san 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 ^{not} 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

(Annexure)

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.

(Ansul mark)

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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 ...

VERIFICATION

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.



SIGNATURE OF THE APPLICANT

(12) Annexure - 1
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/B6cl/872

Sub: Temporary appointment as SPA
on pay Rs. 75/- P.M. authorised scale per
month in scale Rs.75/--85-60-2-95-2-101-88-3-10/-
(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)
servants, but you may be retained in accordance with your seniority on fulfilment of conditions 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
as 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
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: If conscientious 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 indicate 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 Rail 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.E. Railway/Alipurduar Jn.
I accept the offer on the terms & conditions stipulated above and declare that I shall abide by the conditions stipulated in para-6 of page-2.

Date 23.12.66

Abdul A. Malik.

Signature of the candidate.

CERTIFICATE OF CHARACTER.

Certified that I have known Shri Abdul Malik for the last 2 ² _{1/2} years six 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 B.

Designation
(Office, stamp)

** At least six months before the time of signing the certificate.

(14)

ANNEXURE 2

8

EN/11/EPimp. 440/AR/016 23.5.98
from SGE (Eld) BNGN #1 To DRM (P) APD

Through : AEE/khBQ

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 Jawahar organised the staff
who worked 12 hrs. daily at JPZ Pump
house, for operation of Pumps have been
furnished wif. Oct/91 to Sep/97 as
reduced through your above ref letter
Only countersigned by AEE/khBQ
to take further necessary action
please.

1 Dr. : 162 X 2 Copies

✓

Copys to : WAT/EP/ADX 1

He is requested to audience note
regarding the cost of 162 staff house
from 1991 to 2 days 12 hrs and on account
of 312 to avoid further cost. (P.D.P. 1991
and 1992) (P.D.P. 1992)

Attested by :
Kamal J. Saital
Advocate

(15)

Dt: 25.10.99.

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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 decision 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.

affested by:

Final Settlement
Abdul Malek
Associate

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)

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

Sub : O.P.P-REG TPF OF O.T.A. FOR THE PERIOD FROM OCT./91
 TO APR./92 IN FAVOUR OF SRI ABDUL MALIK, SPA/GR.I.
 RETIRED ON 30.06.76 UNDER GSE/ELECT./BONGAIGAON
 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 performed Extra Duties with Roaster Duty whereon involved with O.T. as per instruction of GSE/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 whereon my self explanatory for your information and necessary action please, no Railway Authority will need 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 sincerely request to you that you will be kind enough to grant and to increase 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, DSE and DAO, Alipurduar Junction, N.F. Railway very very aware of this matter after I knocked at there doors but evain in every times.

Thanking you sir,

Attested by:
 JAMIL JYD SAIKIL
 Advocate

DA - 1 Application.

PLACE : JOGIGHOPA,
 DAT.D : 12/5/1993

Yours faithfully,

(ABDUL MALIK)
 VILL. KABAITARY,
 P.O. JOGIGHOPA,
 DIST. BONGAIGAON (ASSAM)

(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 MATEK
VILL KABATTARY PO JOGIGHOPA
DISTT BONGAIGAON
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,



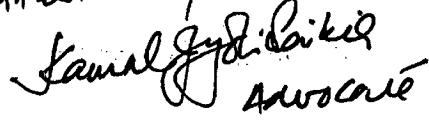
(Sunita Chhibba)

Director

Tel. : 3364875

Email : sunita@dpgrs.delhi.nic.in

Attested by:


Sunita Chhibba
Advocate

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

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

Dated the,

To,

16 APR 2001

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,

Enclo: A copy of
enquiry report.

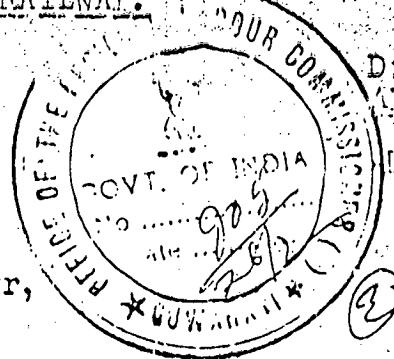
(S.K.CHATTOPADHYAY)
 Assistant Labour Commissioner(Central)
 Guwahati.

Attested by:

Lawyer S. S. S.
 Advocate

BY REGD/AD

N.F.RAILWAY.



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

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

Dated. 15/02/2001.

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/ARL. 16.11.2000.

ALC/CHY
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/ALC/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 ~~where~~ 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.

15/02/2001
(S.C. Banerjee) 15/02/2001
A.P.O/PC/APDJ
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.

Opd15)

*Attested by:
Jasal Pradeep
Advocate*



(20)

ANNEXURE - 8

N.F.RAILWAY.

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

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

Dated : The 16th October, 2001.

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

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 1993 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 :
Kamal J. P. Dikshit
Advocate