

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH : JAIPUR

OA No.388/2005

Jaipur, this the 23rd day of November, 2006.

CORAM : HON'BLE MR. KULDIP SINGH, VICE CHAIRMAN.

Udai Ram
S/o Bal Mukund
Aged about 60 years,
R/o House No.46, Galta Gate,
Rishi Colony, Gali No.8,
Jaipur-3.

.. Applicant.

Advocate : Shri P. N. Jatti.

Vs.

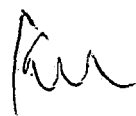
1. Union of India
Secretary to the Government of India,
Department of Posts,
Dak Bhawan, Sansad Marg,
New Delhi.
2. The Principal Chief Postmaster General,
Rajasthan Circle,
Jaipur-7.
3. The Senior Superintendent Post Offices,
Jaipur City Dn.
Jaipur.

... Respondents.

By Advocate : Shri S. S. Hassan with Miss Dilshad Khan.

: ORDER (ORAL) :

This OA has been filed by the applicant seeking direction to the respondents that the applicant should be allowed over time allowance for the period 6.7.1998 to 26.11.2001 and for the second spell from 1.08.2002 to 31.7.2005. The case of the applicant is that though he was working as Group-D employee but he had been deputed as Khansama cum Attendent for performing 12 hours duty at the Guest House of the department. The applicant has placed on



record the orders passed by the department vide which he has been retained as Khansama cum Attendent at Jaipur GPO. The said orders are annexed as Annexure A/4 and A/6 for these two spells. The applicant during his service period has also made representations that since he had been retained for 12 hours a day so he should be paid additional allowance as over time allowance, since he has worked for 12 hours a day though the normal time of work of employees is 8 hours a day.

2. • The respondents are contesting the OA. The main objection of the respondents is that the applicant has filed this OA after his retirement, which cannot be considered for the grant of over time allowance. However, his posting as Khansama cum Attendent is admitted for both the spells. But the payment of over time allowance is denied on the plea that the applicant has not claimed over time allowance while he was in service. So they have submitted that the OA is hopelessly barred by time and the same should be dismissed.

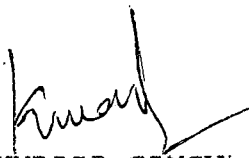
3. I have heard the Learned Counsel for the parties and gone through the material placed on record and considered the rival contentions raised on behalf of the parties counsel.

4. As far as the plea of limitation is concerned, I find on record the applicant has made representation when he was earlier posted as Khansama cum Attendent vide Annexure A/1.



He has also made another representation when he was in service. But these representations have not been answered. The earlier representations were made vide Annexure A/7 and A/8 and the same were also not answered.

5. Since it is an admitted fact that the case of the respondents is also that the applicant was posted as Khansama cum Attendent at Jaipur GPO Guest House of the department and on the said post he was supposed to perform the duty for 12 hours. So the Department of Post being an idle employer are not justified in refusing the wages/over time allowance to the applicant for the work done by him. So the plea of limitation cannot be taken by the department particularly so when the representation was made by the applicant has not yet been answered. In these circumstances, I direct the respondents to consider the claim of the applicant on merits and pass a reasoned and speaking order on the representation of the applicant within a period of 3 months from the date of receipt of a copy of this order.


(KULDIP SINGH)

VICE CHAIRMAN

p.c.