

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 24th day of May, 2011

ORIGINAL APPLICATION NO. 288/2007
WITH
MISC. APPLICATION NO. 186/2007

CORAM

HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER

1. Raghu Raj Singh son of Shri Shyam Lal
2. Ravi Shankar Upadhyaya son of Shri Virendra Upadhyaya
3. Manoj Kumar M son of Shri Mudrika Prasad
4. Sunil Kumar son of Ram Swaroop Gangawat
5. Mukesh Gautam son of Shri Mahesh Chand
6. Vijendra Kumar Meena son of Shri Chain Sukh
7. Moti Lal Mudgal son of Shri Budhi Oprakash
8. Vijya Babu son of Ram Prakash Rajput
9. RamKumar son of Har Swaroop
10. Laxmi Narain Meena son of Shri Kashi Ram
11. Indra Veer Singh son of Shri Maharaj Singh
12. Yashvant Singh son of Shri Hukmi Ram
13. Harpal Singh son of Shri Prithvi Singh
14. Hanuman Ram son of Shri Bhikha Ram
15. Lokendra Singh son of Shri Ranveer Singh
16. Shyam Bihari son of Shri Shankar Lal
17. Lavkush Kumar son of Shri Bhai Lal
18. Papendra Kumar Sharma son of Shri Roshan Lal
19. Arvind Kumar Singh son of Shri Baljnath Singh
20. Virendra Singh Rana son of Shri Singh Rana
21. Daulat Singh son of Shri Prabhu Dayal
22. Subhash Chand Salni son of Shri Chiranji Lal
23. Phool Singh Meena son of Shri Sheo Narain Meena
24. Rameshwar Meena son of Shri Murari Lal
25. Vinod Kumar Yadav son of Shri Udal Singh
26. Roop Chand Mahavar son of Shri Ram Sahai
27. Manoj Verma son of Shri Hari Prasad
28. Narendra Singh Yadav son of Shri Sawal Singh
29. P.P. Pathak son of Shri L.N. Pathak
30. Yogendra Kumar Gupta son of Shri Pooran Chand
31. G.K. Upadhyaya son of Shri R.K. Upadhyaya
32. Krishna Pal Singh son of Shri Deewan Singh
33. Ghanshyam Gupta son of Shri Hajari Lal
34. Avadhesh Kumar son of Shri Raghuveer Singh
35. Devendra Singh Karki son of Shri Gajendra Singh
36. Shrigopal Sharma son of Shri Mangal Saln
37. Suraj Mal Meena son of Shri Moti Lal
38. Vinod Kumar Sharma son of Shri Natthi Lal
39. Shamsher Singh son of Shri Veer Bhan Singh
40. B.S. Chauhan son of Shri Het Ram Chauhan
41. Laxman Lal son of Shri Sonpal

- 42. Rajesh Kumar son of Shri Lal Chand
- 43. Naresh Kumar Sharma
- 44. Rajesh Kumar Sharma
- 45. Babu Prasad Meena
- 46. Ashok Kumar Sharma

All the applicants are working as Pilot and Assistant Loco Shed, Gangapur City, Kota Division.

.....Applicants

(By Advocate: Mr. S.K. Jain)

VERSUS

- 1. Union of India through Its General Manager, West Central Railways, Jabalpur.
- 2. Divisional Railway Manager, Kota Division, Kota.
- 3. Senior DEE (Tro), Kota Division, Kota.

.....Respondents

(By Advocate: Mr. B.K. Pareek Proxy counsel for Mr. T.P. Sharma)

ORDER (ORAL)

The applicants were working in the running duties of the Loco shed as Loco Pilot and Assistant Loco Pilot in Gangapur City of the Kota Division. The Railway Board and the Division prescribe the roster of the running staff i.e. Loco Pilot and Assistant Loco Pilot is not giving overtime allowance as per the circular of the Railway Board. The Railway Board vide its circular dated 15.10.1963 reframed the policy of overtime. In above circular, the Railway Board held that the period of absence from duty should be adjusted from 108 hours two weekly limits and the overtime should be given as per the example given in it. However, the Kota Division has not implemented the above circular till date and has not given the benefit of overtime to the employees and the applicants. Thus the applicants preferred this OA claiming relief that the respondents be directed to comply with the rules and circulars issued by the Government Authority rigorously and continued to comply them in future. Vide order dated 12.05.2011, the respondents



were directed to produce the record related to payment of the overtime made by them to any of the applicants in view of the circular referred in the MA as the applicant also filed an MA No. 186/2007 for seeking permission to file a joint OA. The same is allowed. The respondents have also filed certain documents alongwith the reply to the MA No. 186/2007, which is also taken on record.

2. By way of Circular dated 19.11.1982, the respondents referred to payment of overtime to running staff, Para No. 4 of which reads as under:-

"4. Periodic Rest day proceeding or following the leave may be prefixed or/ and suffixed to the period of leave and all not counted as leave for debit in the leave account of the staff. If such period rest terminates.

- (i) Before noon the leave will commence from the same date.
- (ii) Afternoon, the leave will commence from the following day.

Non observance of above instructions will be viewed seriously and staff at fault is liable for DAR action."

3. Learned counsel for the applicant referred to the Circular dated 09.04.1987 (Annexure A/1) which deals with hours of Employment Regulations – Calculation of overtime in cases where the staff are absent from duty for a portion of averaging period. The Para No. 2 of the said circular is as under:-

"2. The instruction contained in Board's letter No. E(Trg) 62 Adj/36 dated 15.10.1963 clearly provided that while calculating overtime of staff those who are absent from duty for a portion of averaging period, no separate credit would be given for the days of rest. It is, however, noticed that these instructions are not being correctly followed on your Railway and while calculating overtime admissible to staff, credit for the days of rest is being afforded. This is not



correct and results in heavy unintended payment of overtime to staff."

The method showing different illustrations for calculations of overtime in different conditions has also been prepared vide this circular.

4. I have carefully considered all the circular issued by the respondents from time to time. It is alleged by the applicants that these circulars are not strictly complied with and overtime has not been made in accordance with the rules, circulars issued by the respondents from time to time and it is duty cast upon the respondents to comply with the circulars and orders issued by them from time to time. Accordingly, the respondents are directed to extend the benefit of overtime in favour of the applicants strictly in accordance with the provisions of law and in view of circulars/orders issued by the respondents from time to time. The respondents are expected to undertake this exercise expeditiously but in any case not later than three months from the date of receipt of a copy of this order.

5. With these observations, the OA shall stands disposed of with no order as to costs.



(JUSTICE K.S. RATHORE)
MEMBER (J)

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