

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 02nd day of November, 2010

ORIGINAL APPLICATION NO. 481/2010

CORAM

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

Jitendra Soni son of Late Shri Kamal Kishor soni aged about 32 years, resident of 123, Arjun Nagar, South, Near Sawai Madhopur line, Near Mahesh nagar, Jaipur. Presently posted as Section Engineer, T/L under SSE (RAC), Jaipur.

.....Applicant

(By Advocate: Mr. S. Shrivastava)

VERSUS

1. Union of India through General Manager, Head Quarter Office, Jagatpura, Jaipur, North Western Railway, Jaipur.
2. Divisional Railway Manager, DRM (E), Office of North Western Railway, Jaipur.
3. Sr. D.E.E. (DRM), Office of North Western Railway, Jaipur.

.....Respondents

(By Advocate: -----)

ORDER (ORAL)

The grievance of the applicant is regarding order dated 23.06.2010 (Annexure A/1) whereby a sum of Rs.1,21,690/- on account of over-time allowance has been ordered to be recovered from the salary of the applicant in easy installments @ Rs.12,169/- per month. The applicant has made a representations dated 25.06.2010 and 28.06.2010 (Annexure A/2 & A/3 respectively) thereby contending that he was entitled to the overtime allowance, which has been rightly paid to him.

Up

2. Learned counsel for the applicant contended that the applicant falls within 'C' category, as such in terms of provisions contained in Indian Railway (Amended) Act, 1956, he was entitled to overtime allowance and it cannot be said that the post of the applicant is of supervisory nature. For that purpose, learned counsel for the applicant has placed reliance upon letter dated 09.07.2010 (Annexure A/6).

3. I have given due consideration to the submission made by the learned counsel for the applicant. Since the representation of the applicant is pending before the authority, I am of the view that ends of justice will be met if time bound direction is given to the appropriate authority to decide the representation of the applicant in accordance with law. Accordingly, respondent no. 3 is directed to decide the representation of the applicant dated 28.06.2010 (Annexure A/3) by passing a reasoned & speaking order. Till such representation is not decided, the respondents are restrained to effect recovery of overtime from the salary of the applicant.

4. With these observations, the OA is disposed of at admission stage itself with no order as to costs.



(M.L. CHAUHAN)
MEMBER (J)

AHQ