

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. MA 350/273/2016
OA 350/929/2016

Date of order : 15.2.2018

Present: Hon'ble Ms. Manjula Das, Judicial Member

SUKDEO ORAON

S/o Late Chattu Oraon
Sr. Trackman under
SE/P/Way/Banerlat under
Alipurduar Jn. Division,
N.F.Railway since worked as
Valveman, retired on 30.9.2006
R/o Vill –Basbari Line near
Agrakata Bus Stand,
PO & PS – Nagrakata,
Dist. – Jalpaiguri
Pin – 735225, West Bengal.

...APPLICANT.

VERSUS

1. Union of India, service through
The General Manager (P),
N.F.Railway, Maligaon,
Guwahati – 781011,
Assam.
2. The Divl. Railway Manager (P),
N.F.Railway,
Alipurduar Division,
Alipurduar,
Dist. – Jalpaiguri,
West Bengal,
Pin – 736121.
3. The Divl. Chief Engineer (III),
N.F.Railway,
Alipurduar Division,
Alipurduar,
Dist. – Jalpaiguri,
West Bengal,
Pin – 736121.
4. The Sr. Divl. Engineer,
N.F.Railway (Co-ord),
Alipurduar Junction,
PO - Alipurduar,
Dist. – Jalpaiguri,
West Bengal,
Pin – 736121.
5. The Sr. SE(P.Way),
BNQ, N.F.Railway,
PO - Alipurduar,
Dist. – Jalpaiguri,
West Bengal,
Pin – 736121.

6. M/S Indian Oil Corp. Ltd.
Madarihat IOC,
PO – Madarihat,
Dist. – Jalpaiguri,
Pin – 735220.

7. The General Secretary,
N.F.Railway,
Mazdoor Union Pandu,
PO – Guwahati,
Assam – 781012.

...RESPONDENTS.

For the applicant : Mr.J.R.Das, counsel

For the respondents: Mr.A.K.Banerjee, counsel

O R D E R (ORAL)

Per Ms. Manjula Das, Judicial Member

Mr.J.R.Das, ld. Counsel appeared for the applicant and Mr.A.K.Banerjee, ld. Counsel appeared for the respondents.

2. By making this OA the applicant has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs :

- a) An order directing the respondents to calculate and pay the due convenience/transport allowances of the applicant for the period from 16.2.1998 to 16.5.2005 = (8 years 3 months) amounting to a sum of Rs.7425/- within no time since due since 1998 with statutory interest thereon as decided by this Hon'ble Court since 16.2.1998 till the actual date of payment;
- b) An order directing the respondents to calculate and pay due overtime allowance @ 4 hrs per day for the period from 16.1.1980 to 17.3.2004 amounting to a total of 29.074 hours OT a total sum of Rs.8,72,200/- with statutory interest thereon as decided by this Hon'ble Court since 16.1.1980 till the actual date of payment.
- c) An order directing the respondents to produce entire records of the case at the time of adjudication for conscionable justice;
- d) Any other order or further order/orders as to this Hon'ble Tribunal may seem fit and proper.

3. MA 273/2016 is filed for condonation of delay. On being satisfied with the grounds for delay as stated in the MA, delay is condoned. MA therefore stands allowed.

4. Brief fact of the case as narrated by the ld. Counsel for the applicant is that the applicant joined the Railway as casual labour on 16.6.1967 and was regularized as a Gangman on 16.3.1979. The applicant being a Sr. Trackman

worked as Valveman at Bridge No. 91, Ghish Bridge on and from 16.1.1980 and thereafter at Bridge No. 158, Jaldhaka Bridge. Since he performed 12 hrs duty during day and night the applicant is entitled to 4 hours overtime allowance on day to day basis since 16.1.1980 till his retirement on superannuation on 30.9.2006. In addition to several other grievances the applicant has not been paid Transport/Conveyance allowance for 8 years and overtime allowance for 29074 hours which was duly sanctioned by the competent authority. Hence the applicant has approached this Tribunal in the present OA.

5. I have heard both the ld. Counsels and perused the pleadings and materials placed before me.

6. Hon'ble Apex Court in the case of **M.R.Gupta -vs- Union of India & Ors, [1995 (5) SCC 628]** has held that the application to the extent of proper pay fixation is not time barred, although the claim of consequential arrears would be subject to law of limitation.

7. In view of the above, without going into the merits of the case, I dispose of the present OA with a direction upon the applicant to prefer a comprehensive representation before the respondent authorities highlighting his grievance in details within one month from the date of receipt of the copy of this order. On receipt of such comprehensive representation preferred by the applicant, the respondents shall consider and dispose of the same within a period of three months from the date of receipt of such comprehensive representation. The decision so arrived shall be communicated to the applicant forthwith.

8. The OA is accordingly disposed of. No order as to costs.

(MANJULA DAS)
JUDICIAL MEMBER

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