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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

AN APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE
TRIBUNAL ACT, 1985.

O.A. No. 350/01748 of 2018.

1. SRI SUBHASHIS DEB, Son of Sri Ramesh Chandra Deb, Working as Senior Section Engineer (Carriage & Wagon) under SCW/TKPR/HWH CHQ/Eastern Railway, and residing at: 52, Dakshin Para, Kolkata - 700 063.
2. SRI SUMANTA DUTTA, Son of Late P. N. Dutta, Working as Senior Section Engineer (Carriage & Wagon) under SCW/TKPR/HWH CHG/Eastern Railway, and residing at: A2/7, Economy Apartment, Jhil Park, 48, J.C. Khan Road, Mankundu, Dist.: Hooghly.
3. SRI SUBHASIS ROY, Son of Sri Sailendra Nath Roy, Working as Senior Section Engineer (Carriage & Wagon) under SCW/TKPR/HWH CHG/Eastern Railway, and residing at: 'DHUPCHAYA', N. Ghosh 2nd. Lane, Fatakgora, Chandan Nagar, Dist.: Hooghly - 712 136.

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4. SRI GOPAL CHANDRA DAS, Son of Late Jagadish Ch. Das, Working as Junior Engineer (Carriage & Wagon) under SCW/TKPR/HWH CHG/Eastern Railway, and residing at: 'KALIANIBAS', J.R.R. Road, Opposite to: SBI ATM, P.O.: - Nona Chandanpukur., Dist.: Hooghly.

5. SRI SITARAM SOREN, Son of Late Nimal Soren, Working as Senior Section Engineer (Carriage & Wagon) under SCW/TKPR/HWH CHG/Eastern Railway, and residing at: 'UPARKUNDI', P.O.: - Khuerol, Dist.: Balasore, State - Odisha.

6. SRI PRABIR KUMAR NATH, Son of Sri Prabanta Kr. Nath, Working as Junior Engineer (Carriage & Wagon) under SCW/TKPR/HWH CHG/ Eastern Railway, and residing at: 5/2, Bazar Lane, P.O.: - Bhatpara, Dist.: - 24-Parganas(North), Pin no.: - 743 123. (W.B.).

7. SRI ANUJ KUMAR MONDAL, Son of Late D. N. Mondal, Working as Senior Section Engineer (Carriage & Wagon) under SCW/TKPR/HWH CHG/ Eastern Railway, and residing at: 93/3, Dum Dum Road, Kolkata - 700 074.

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8. SRI SANJAY KUMAR THAKUR, Son of Late
R.N. Thakur, Working as Senior Section
Engineer (Carriage & Wagon) under SCM/
TKPR/HWH CIG/ Eastern Railway, and
residing at: Vill:- Dhaparmeshwar, P.O:-
Gaman, Dist:- Buzar, State - Bihar.

..... Applicants.

- Versus -

1. Union of India through the General
Manager, Eastern Railway, 17, N.S. Road,
Kolkata - 700 001.

2. *cf*
Eastern Railway, 17, N.S. Road,
Kolkata - 700 001.

3. The Divisional Railway Manager,
Eastern Railway, HWH/
Howrah.

4. The Senior Divisional Personnel Officer,
Eastern Railway, Howrah.

5. The Senior Divisional Mechanical

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Engineer (Carriage & Wagon), under
Eastern Railway, Howrah.

..... Respondents.

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/1748/2018
MA/350/869/2018

Date of Order: 30.11.2018

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Subhashis Deb & Others -Vs- Eastern Railway

For the Applicant(s): Mr. N. Roy, Counsel

For the Respondent(s): Mr. S.K Das, Counsel

ORDER (ORAL)

A.K Patnaik, Member (J):

Heard Mr. N.Roy, Ld. Counsel for the applicants.

2. As I do not want the Official Respondents to go unrepresented, Mr. S.K.Das, Ld. Counsel, who usually appears for the Eastern Railways, is present in the court and, on my request, Ld. Counsel for the applicant has served copy of the O.A., along with annexures, on him. Heard Mr. Das in extenso.

3. M.A.No. 869/2018 filed for joint prosecution of this case is allowed and, accordingly, disposed of.

4. This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:

" a) To issue direction upon the respondents to give overtime benefit according to Railway Board's letter dtd. 10.9.12 forthwith.

b) To issue further direction upon the respondents to give benefit to judgment in O.A no. 1519 of 1998 where the applicants are also same similar persons, the same benefit of overtime allowance may be given forthwith and representation dt. 20.5.2018 may be disposed of.

c) To issue further direction upon the respondents to give benefit overtime payment according to R.B letter dtd. 28.2.05 where a railway servant is required to render extra hours of duty beyond the roastered hours fixed in accordance with Rule 8 or beyond the limits specified or different classes of Railway

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servant under Section 132 and according to that all the applicants are entitled for the overtime payment. So the applicant's prayer for overtime payment be given forthwith.

d) To issue further direction upon the respondents according to High Court judgement which is WPCT No. 15 of 2015, all the applicants' prayer for overtime payment may be considered forthwith.

e) Any other order/orders as Ld. Tribunal deem fit and proper. "

5. Mr. Roy, Ld. Counsel for the applicants, submitted that the applicants are working as Supervisory Staffs under SCW/HWH/HWH CHG/Eastern Railway, in which they are to perform Escorting duty in Rajdhani and Duranta Express. They perform duty for 8 hours. They made representations to the authority for extra overtime payment, but was rejected by the authorities. Ld. Counsel for the applicants submits that similar persons have moved before the Hon'ble Tribunal in O.A 1519/1998 and also in WPCT No. 15 of 2015 regarding overtime allowance and their cases were considered. He further submitted that ventilating their grievance the applicants have preferred a common representation under Annexure-A/12 on 20.05.2018 before Respondent No.4. Mr. Roy further prayed that the applicant's grievance may be more or less redressed if a direction is issued to Respondent No.4 to consider their representation dated 20.05.2018 keeping in mind Annexure-A/7, the order passed by the Hon'ble High Court of Calcutta in a similar case.

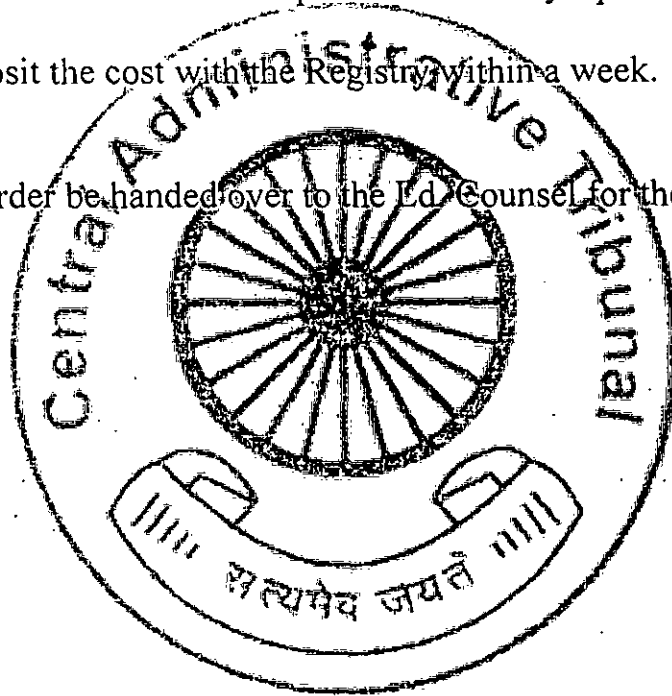
6. Having heard Ld. Counsel for the parties, without going into the merit of the matter, I dispose of this O.A. by directing Respondent No. 4 to consider the representation of the applicant under Annexure-A/12 dated 20.05.2018, if the same has been filed and is still pending before him for consideration, and pass a reasoned and speaking order as per rules and regulations in force keeping in mind Annexure-A/7 within a period of six weeks from the date of receipt of copy of this

order. I hope and trust that if after such consideration, the applicants' grievance is found to be genuine and they are otherwise eligible then necessary steps may be taken to grant them the OTA within a further period of six weeks. I also make it clear that if in the meantime the said representation has already been disposed of then the result thereof be communicated to the applicant within two weeks.

7. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

8. As prayed for by the Ld. Counsel for the applicant, copy of this order, along with paperbook be transmitted to Respondent No. 4 by Speed Post, for which, he undertakes to deposit the cost with the Registry within a week.

9. Copies of this order be handed over to the Ld. Counsel for the parties.



(A.K. Patnaik)
Member(J)

RK/PS