

LIBRARY

O.A. 350/1646/2015

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

An Application u/s 19 of the Administrative Tribunal Act, 1985.

ORIGINAL APPLICATION NO.

OF 2015

1. Piyas Kumar Dolui, son of Late
Niranjan Dolui, aged about 46 years,
working as Semi-Skilled (Labourer),
Gun & Shell Factory, Cossipore,
residing at 14, Sitalamata Lane, P.O.
Nawapara, Kolkata - 700090.

2. Dilip Kumar Singha Roy, son of
Late Paritosh Singha Roy, working
as Highly Skilled, worker in Gun &
Shell Factory, holding the post of
Vice-President, Gun & Shell Factory
Employees Union, residing at Village
- Hatiara Roypara, Post Office -
Haritara, Police Station - New Town,
Kolkata - 700 157.

.....Applicants

--Versus--

1. Union of India, represented by the
Secretary, Ministry of Defence, Govt.
of India, New Delhi-110001.

1. Director General Ordnance
Factories, Govt. of India, Ministry of
Defence, Ordnance Factory Board,
Ayudh Bhavan, 10-A, Shaheed
Khudiram Bose Road, Kolkata -
700001.

2. General Manager, Gun & Shell
Factory, Cossipore, Kolkata -
700002.

3. 4. Joint General Manager (Admn.-
I), Gun & Shell Factory, Cossipore,
Kolkata - 700002.

..... Respondents

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH
KOLKATA

No.O A.350/1646/2015

Date of order : 25/4/19

**Coram : Hon'ble Mrs. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member**

1. PIYAS KUMAR DOLUI
2. DILIP KUMAR SINGHA ROY

VS.

UNION OF INDIA & OTHERS
(M/O DEFENCE)

For the applicant : Mr. A. Chakraborty, counsel
For the respondents : Mr. B.P. Manna, counsel

ORDER

Bidisha Banerjee, Judicial Member

The applicants in this O.A. has sought for the following reliefs:-

"a) An order directing the respondent authorities to rescind, revoke, cancel and/or quash the Memo dated 15.9.2015 issued by the respondent No.4 and the Circular No.118 dated 18.7.2014 issued by the concerned authority;

b) An order directing the respondents to produce and/or transmit the entire records relating to the case of your applicants before this Hon'ble Tribunal;

c) And to pass such other or further order or orders as your Lordship may deem fit and proper;

d) Leave may be granted under Rule 4(5)a of the Central Administrative Tribunal Procedure Rules, 1987."

2. The order impugned, dated 15.09.2015 reads as under:-

"CONFIDENTIAL"

No.1142/PKD/MM/OT/DISC

Disciplinary Section
GSF, Cossipore

Dated : 15-09-2015

Sub : Non-deployment on overtime working.

Shri Piyas Kumar Dolui, Semi-Skilled(Labourer), Ticket No.138/MM, Per No.006343 is not being detailed to work overtime with immediate effect till further orders.

Jt. GENERAL MANAGER/A-I
for SR. GENERAL MANAGER"

3. Id. counsel for the applicants would contend that the applicants were not allowed to perform overtime due to issuance of a charge sheet against them.
4. However, it is an admitted fact that w.e.f. 25.04.2017 the applicant, Shri Piyas Kumar Dolui was allowed to work overtime. Therefore, Id. counsel for the applicants would contend that the respondents be directed to compensate them for the period they were not permitted to work overtime and prevented from earning overtime allowance.
5. We heard the Id. counsel for the parties and perused the materials on record.
6. From the materials on record we fail to decipher any rule or circular or provision which mandates the authorities to engage a semi-skilled Labourer, overtime. We have also failed to notice any provision which mandates that an employee against whom departmental proceedings have been initiated, should not be detailed on overtime working.

7. However, since nothing has been placed on record to show that the applicants as a matter of right can seek deployment overtime, the claim as put forth in the O.A. fails and it is accordingly dismissed. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Bánérjee)
Judicial Member

sb

