

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18065 of 2014

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Kalyan Kumar Saran, son of Late Mahadeo Saran, retired Station Superintendent of the earlier N.E. Railway, now East Central Railway, resident of Mohalla- Purnea Court Station, Town and District- Purnea

.... Petitioner

Versus

1. Union of India through the General Manager, East Central Railway, Hajipur (Bihar)
2. Divisional Railway Manager, East Central Railway, Samastipur Division, Town and District- Samastipur
3. Senior Divisional Personnel Officer, East Central Railway, Samastipur Division, Town and District- Samastipur

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajendra Narain, Sr. Advocate.
Mrs. Anju Narain, Advocate.
For the Respondents : Mr. Naresh Dikshit, Advocate.
Mr. Lalan Kumar, Advocate.

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

and

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 22-04-2016

Heard learned counsel for the petitioner and the respondents.

2. The order dated 21st of December, 2012 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as “the Tribunal”) in O.A. No. 186 of 2009 is subject matter of challenge in the present writ application.

3. Petitioner has sought a direction to pay the remaining sum of Rs. 4,90,000/- as Over Time Allowance for the period in question as also interest at the rate of 12 per cent *per annum*

on the amount of Rs. 2,10,000/-.

4. The said prayer arises out of the fact that the petitioner superannuated on 30th of September, 1994 from the post of Station Superintendent, Purnea Court Railway Station. Petitioner earlier filed O.A. Nos. 301 of 1992 and 625 of 1996 wherein the Tribunal directed the respondents to pay to the petitioner Over Time Allowance on account of Essentially Intermittent Category of 12 hours and that of Continuous Category of 8 hours. Both entailed payment of Over Time Allowance for the extra hours of work at prevailing rate. The petitioner claims that a sum of Rs. 7,00,000/- approximately is, thus, due and payable but only a sum of Rs. 1,32,000/- was paid. Thereafter the petitioner filed another O.A. No. 49 of 2006.

5. The stand of the respondent was that the total claim of the petitioner is for 7552 hours and the total due amount would be Rs. 2,10,000/-, out of which Rs. 78,304/- has been paid long ago and Rs. 1,32,000/- has been paid during the present proceedings. It was asserted that claim of Rs. 7,00,000/- was incorrect.

6. After considering the respective claims of the parties, the Tribunal concluded in the present Original Application as under:-

“7. It is seen that the issue has been the subject matter of dispute for several years now and that the applicant had filed a number of O.As earlier bearing Nos. 301 of 1992,

625 of 1996, 49 of 2006 apart from CCPA No. 10 of 2008. The respondents in their reply (written statement) filed on 15.12.2010 have enclosed a detailed calculation sheet for the OTA for the entire period with the no. of days, hours and the rate and multiplication factor (Annexure R/1), apart from the summary of calculation attached to the speaking order of 28.07.2008.”

7. A perusal of the order shows that the respondents have given a detailed calculation sheet for the Over Time Allowance for the entire period, number of days, hours and multiplication factor. The petitioner has not shown as to how such calculation is incorrect and in what manner.

8. Since total calculations have been given and the amount has been paid according to such calculation, we do not find any error in the order passed by the Tribunal which may warrant interference in the present writ application.

9. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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