

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16908 of 2015

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Paras Nath Gupta, Son of Late Pancham Ram Gupta, Motor Driver Grade-I Under
Chief Signal & Telecom Engineer (CON), East Central Railway, Mahendru Ghat,
Patna (Bihar).

.... Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur,
District- Vaishali (Bihar).
2. The Chief Signal & Telecom Engineer (CON), East Central Railway, 5C/1,
Kulharia Complex, Ashok Rajpath, Mahendru Ghat, Patna.
3. The Deputy Chief Personnel Officer (CON), East Central Railway, 4B-3,
Kulharia Complex, Ashok Rajpath, Mahendru Ghat, Patna.
4. The Financial Advisor & Chief Accounts Officer (CON), East Central Railway,
Mahendru Ghat, Patna.
5. The Chief Administrative Officer (CON)/South, East Central Railway, Mahendru
Ghat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. M.P. Dixit, Advocate.
Mr. S.K. Dixit, Advocate.
Mr. Sanjay Kumar Chaubey, Advocate.
Mr. Sunil Kumar, Advocate.

For the Respondent/s : Mr. Rishi Raj Sinha, 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: 22-08-2016

Heard learned counsel for the parties.



2. The challenge in the present writ application is to an order passed by the Central Administrative Tribunal, Patna Bench, Patna (for short “the Tribunal”) on 12th of May, 2014 in O.A. No. 347 of 2011, whereby claim of the petitioner for Over Time Allowance from 18th of August, 2008 to 6th of December, 2009 remained unsuccessful.

3. The grievance of the petitioner is that duty roster was fixed for drivers working in the Hajipur Section of the Headquarters whereas, the said duty roster is being extended to the Construction Circle as well, where the petitioner was posted during the period in question.

4. Learned counsel for the petitioner could not refer to any normal working hours of the drivers in the Construction Circle. In the absence of fixed working hours, a Railway Employee is required to discharge duty as and when required. Merely for the reason that the duty hours fixed for the drivers at Hajipur Section of the Headquarters is said to be not applicable to the petitioner, that will not mean that the petitioner is entitled to Over Time Allowance. For claiming Over Time Allowance, there has to be positive fixation of duty hours and also the fact that working beyond fixed time will attract Over Time Allowance. Since neither the time has been fixed nor there is any stipulation of payment of the Over Time Allowance, the petitioner

cannot claim Over Time Allowance. The same has been rightly declined by the authorities.

5. We do not find any error in the order passed by the learned Tribunal which may warrant interference in the present writ application.

6. The writ application is, thus, dismissed.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

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