THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.33160 OF 2018

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The petitioner is the unsuccessful applicant in O.A.No.020/1502/2015 on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, which was dismissed *vide* order dated 23.07.2018. The prayer of the petitioner-applicant in the said O.A. was to set aside the order dated 02.05.2014 passed by the Senior Divisional Commercial Manager, South Central Railway, Vijayawada Division, denying his claim for overtime allowance for the extra hours of service rendered by him during the period 01.01.2008 to 20.07.2012 and to consequently direct the authorities to consider his case for grant of such overtime allowance.

The petitioner-applicant worked as a Senior Booking Clerk at Gudivada Railway Station. His claim was that though his duty shift was a continuous eight hours per day, he had put in twelve hours per day and was therefore entitled to overtime allowance. He further claimed that he put in such overtime during the period 01.01.2008 to 20.07.2012. However, his request in this regard was turned down by the competent authority by the order dated 02.05.2014. This was the order which was subjected to challenge before the Tribunal.

The Tribunal took note of the stand of the authorities to the effect that there was no evidence to show that the petitioner-applicant had worked overtime during the period in question. According to them, the post carried an essentially intermittent roster for twelve hours and

therefore he could not claim overtime allowance on the basis of a continuous roster of eight hours.

It is an admitted fact that the petitioner-applicant had no material in proof of his having put in any overtime. He had not submitted any overtime forms in that regard and the copy of the muster obtained by him under the provisions of the Right to Information Act, 2005, did not indicate any duty hours. The Tribunal also took note of the fact that the petitioner-applicant availed voluntary retirement in the year 2012 but chose to file the O.A. only in the year 2015 with regard to a claim which dated back to the period 01.01.2008 to 20.07.2012. It was in these circumstances that the Tribunal opined that there was inordinate delay and laches on his part in seeking relief and accordingly dismissed the O.A.

Though Sri Nagaraju Naguru, learned counsel for the petitioner-applicant, would state that the authorities admitted the claim of the petitioner-applicant that he had put in overtime, he is unable to show us any statement in the counter filed by the authorities before the Tribunal to this effect. On the contrary, as already pointed out supra, the stand of the authorities was that the petitioner-applicant had to put in twelve hours duty and not eight hours as claimed by him.

Further, we are of the opinion that the other aspects which were duly noted by the Tribunal weigh heavily against the petitioner-applicant. On the one hand, he has no material whatsoever to support his claim that he had put in any overtime and on the other, having retired in the year 2012, he chose to file the O.A. three years thereafter in relation to a claim which dated back to the period 01.01.2008 to 20.07.2012. No explanation whatsoever is forthcoming as to why the petitioner-applicant did not take

steps within reasonable time. We therefore find no grounds to interfere with the cogent and well reasoned order passed by the Tribunal.

The writ petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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SANJAY KUMAR,J

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M. GANGA RAO, J

Date: 14.09.2018
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