

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.11324 of 2013

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioner under Article-226 of the Constitution of India seeking a 'Writ of Certiorari' by calling for records relating to the order passed by the Central Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.871 of 2011, dated 07.01.2013 and to quash the same.

2. Heard Mrs. Anjali Agarwal, learned counsel for the petitioners.

3. Learned counsel for the petitioners contended that the 1st respondent was working as Technician Grade-III and he was claiming overtime wages, but the petitioners have rejected the case of the 1st respondent vide proceedings, dated 07.03.2011 on the ground that the 2nd petitioner has temporarily reclassified the service of the 1st respondent as "essentially

intermittent” vide orders, dated 11.07.2008 and “essentially intermittent” employees are not entitled for overtime wages, the Tribunal without appreciating the said fact has allowed the O.A in favour of the 1st respondent. Therefore, appropriate orders be passed in the writ petition by setting aside the orders passed by the Tribunal in O.A.No.871 of 2011, dated 07.06.2013 and allow the writ petition.

4. This Court, having considered the submissions made by learned counsel for the petitioners, is of the considered view that the Tribunal has considered the said contention of the petitioners and came to a conclusion that the 2nd petitioner is not a competent authority to declare the 1st respondent as essential intermittent and on that ground, the Tribunal was justified in allowing the O.A in favour of the 1st respondent and directed the petitioners to pay overtime wages to the 1st respondent from 03.08.2008 and 16.08.2008. A perusal of the record further discloses that the 1st respondent was seeking overtime

wages only for 13 days. We are not able to understand how the petitioners were aggrieved with the payment of 13 days overtime wages to the 1st respondent. Admittedly, the 1st respondent has worked for overtime from 03.08.2008 to 16.08.2008. Therefore, this Court is not inclined to interfere with the orders passed by the Tribunal.

5. With these observations, the Writ Petition is dismissed. No costs.

6. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date : 02.02.2023
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