

Ct.No.1 M/L 33 05.01.2026

Saikat
Mukherjee

WP.CT/236/2025
PRABHAT CHAKRABORTY
VS.
UNION OF INDIA AND ORS.

Mr. Jagadish Ranjan Das, Adv.

...For the Petitioner

Ms. Rashmi Bothra, Adv.

Ms. Garima Raijada, Adv.

...For the Respondent

Per, **Sujoy Paul, ACJ.**:

1. Parties are represented through their learned counsel.
2. Heard on admission.
3. This petition filed under Article 226/227 of the Constitution assails the order of Central Administrative Tribunal, Kolkata, dated 5th March, 2025, in O.A. 350/1075/2019 whereby prayer of petitioner for grant of overtime duty allowance was rejected by the tribunal. The petitioner before the tribunal prayed for following reliefs:-

“i) An order directing the respondents to pay his due time off or overtime duty allowance to the applicant on the basis of actual pay in the present revised scale of pay, with retrospective effect from since his appointment in the interest of justice.
ii) An order directing the respondents to calculate and pay his due overtime allowances/time off due in conformity to Commdt, order dated 08.09.2018 and in terms of actual rate of pay on time to time basis.

*iii) An order directing the respondents to produce the entire records of the case relating to the matter before this Hon'ble Tribunal with copy to Ld. Advocate for the applicant for conscionable justice.
iv) And to pass such other or further order or orders as Your Lordships may deem fit and proper."*

4. The tribunal assigned singular reason for declining the relief, namely, after 7th Pay Commission recommendations came into being with effect from 1st January, 2016, there exists no provision of grant of overtime allowance.
5. Learned counsel for the petitioner submits that even assuming that there exists no provision for grant of overtime allowance with effect from 1st January, 2016, the petitioner is entitled to get overtime allowance in lieu of the overtime duties performed before 1st January, 2016. The tribunal ought to have examined the said aspect. Reliance is placed on para-5(c) of the Original Application to contend that the petitioner was performing overtime duties right from his date of appointment.
6. Learned counsel for Union of India supported the impugned order.
7. We have heard the learned counsel for the parties on admission.
8. On more than one occasion on specific query from the Bench, learned counsel for the petitioner did not dispute that from the date of 7th Pay Commission recommendations were implemented, benefit of

overtime allowance was discontinued. There exists no pleading in the writ petition to assail the said finding of fact given by the tribunal in para-5 of the impugned order.

9. The only question, thus, is regarding entitlement of petitioner for overtime allowance before 1st January, 2016. If an employee is praying for grant of overtime allowance, he is expected to mention in specific as to what are the dates and duration during which he had performed the overtime duties. The entire O.A. as well as the relief is silent about it. An ambiguous/bald pleading is mentioned in para-5(c) stating that right from petitioner's appointment he was required to perform overtime duties. However, in Affidavit-in-Opposition filed before the tribunal, said contention was specifically denied.
10. This is minimum expectation from a litigant claiming a financial benefit arising out of overtime duties to mention with precision as to the dates and duration for which such duties are performed. The O.A., in our opinion, is vague and ambiguous. Even relief clause is silent as to for which period overtime allowance was claimed. Petitioner already stood retired with effect from 31st May, 2021. In absence of any specific pleading, no error can be found in the order of the tribunal, dismissing the Original Application.

11. Resultantly, admission is **declined**. Petition is **dismissed**.

12. No order as to costs.

(SUJOY PAUL, ACJ.)

(PARTHA SARATHI SEN, J.)