

(2019) 10 CAT CK 0021

In the Central Administrative Tribunal

Case No : Original Application No. 3694 Of 2017

Om Prakash Singh

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 07-10-2019

Acts Referred:

Citation : (2019) 10 CAT CK 0021

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : Yogesh Sharma, SM Arif

Final Decision : Allowed

Judgement

1. The applicant has filed the present OA, seeking the following reliefs:-

"(i) That the Hon'ble Tribunal may graciously be pleased to pass an order of quashing the impugned order dated 6.7.2017 (Annexure A/1), declaring to the effect that the action of the respondents preparing 12 hours per day/75 hours weekly roaster for the applicant who is working as Gateman is illegal, arbitrary, against the rules and consequently pass an order directing the respondents to prepare 8 hours per day/48 hours weekly roaster for the Gatemen.

(ii) That the Hon'ble Tribunal may graciously be pleased to pass an order directing the respondents to grant of over time allowances to the applicant for 4 hours over time daily from the date of posting of the applicant as Gateman with all the consequential benefits including the arrear of over time allowances with interest.

(iii) Any other relief which the Hon'ble Tribunal deem fit and proper may also be granted to the applicant along with the costs of litigation."

2. During the arguments, learned counsel for the applicants has submitted that the present case is squarely covered by the decision of the co-ordinate Bench of this Tribunal in the case of Hari Ram & Ors. Vs. UOI & Ors (OA No. 643/2015) on

23.08.2017 which is upheld at the level of the Hon'ble High Court in the WP(C) No. 8628/2018 on 20.03.2019. Counsel for the respondents has also not disputed this fact but has submitted that in a similar WP(C) No. 8504/2018, a notice has been issued in Review Petition No. 336/2019.

3. We have examined the decision of the coordinate Bench of this Tribunal in OA No. 643/2015 which is upheld at the level of the Hon'ble High Court in WP(C) No. 8628/2018 and find that the issue involved in the present case is squarely covered by the aforesaid decision of the coordinate Bench of this Tribunal in the case of Hari Ram (supra). We accordingly allow the present OA on the lines of the decision of the Tribunal in the case of Hari Ram's case (supra).

4. No order as to costs.