

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION NO. 227/2022(S.B.)

Dilip Vinayakrao Lunge,
Aged 70 years, retired Electrician,
Govt. Milk Scheme Chandrapur,
R/o Amit Apart-7, Plot No.6, Jivan Chaya,
Nagar, Padole Chowk Nagpur-22.

Applicant.

Versus

1. State of Maharashtra,
Through its Secretary,
Dairy Development Department,
Mantralaya, Mumbai-32.
2. The Commissioner,
Govt. Milk Scheme,
Administrative Building, Sea face,
Abdul Gaffar Khan Marge,
Warli, Mumbai 18.
3. The Regional Dairy Development Officer,
Telang Khedi Road, Civil Lines,
Nagpur. 440 001.
4. The Dairy Manager,
Government Milk Scheme,
Chandrapur.

Respondents

Shri B.Kulkarni and S.Pande, Ld. Counsel for the applicant.
Shri A.P.Potnis, Ld. P.O. for the respondents.

Coram:-Hon'ble Shri Justice M.G.Giratkar, Vice Chairman.
Dated: - 04th October, 2023.

JUDGMENT

Heard Shri B.Kulkarni, learned counsel for the applicant and Shri A.P.Potnis, learned P.O. for the Respondents.

2. The learned P.O. has filed Govt. Circular dated 06.03.2009. It is taken on record. It is marked Exhibit-X for the purpose of identification.

3. The case of the applicant in short is as under.

The applicant was working as Electrician in the office of respondent no.4 from April, 2009 to June, 2010. During that period, he has worked overtime as per the clock hours. The applicant has made representation to the respondent no.3 through respondent no.4 for payment of overtime allowances. The respondent no.3 submitted the proposal for grant of overtime allowances of the applicant, as per proposal dated 04.08.2020 to the Regional Dairy Development Officer, Nagpur. The respondents have not considered the said proposal. Therefore, the applicant has approached to this Tribunal for the following relief.

(1) Direct the respondent Nos.3 and 4 to pay the overtime due amounts Rs.1,00,127/-to applicant with 12% interest till payment.

(2) Direct the respondents to pay interest @ 12% on due amounts approximately comes to Rs. 1,44,485/- to applicant.

4. The reply is filed by the respondents 1 to 4 and denied the claim of applicant. It is submitted that as per the guidelines of the Government letter dated 12.03.2009, overtime due amount is not applicable. It is submitted that as per the said letter all the Heads of departments under the Scheme will not get overtime allowances of Class-IV employees under their authority. Therefore, the applicant is not entitled for the relief. Hence, the O.A. is liable to be dismissed.

5. During the course of submission the learned P.O. has pointed out the Circular dated 06.03.2009 issued by the Government of Maharashtra. From the perusal of the Circular, it appears that direction was given by the Government of Maharashtra to all the Superior Officers of Dairy Development, Chandrapur. The direction was given not to give any overtime work to the regular employee. As

per this Circular, Class-IV employees should not be given any overtime work and it be given to daily wagers (Badli Kamgar).

6. The learned counsel for applicant has submitted that the applicant was working as a Class-III employee and therefore, this Circular is not applicable.

7. The learned P.O. submits that the applicant is retired in the year 2010 and therefore, the O.A. itself is time barred.

8. The applicant is claiming monatory claim and therefore, it is a continuous cause of action. Moreover, the O.A. was already admitted and no such objection was raised. The applicant worked after his office hours and therefore the proposal was submitted by respondent no. 4 to respondent no.3. Applicant was working as Class-III employee. Therefore, Circular dated 06.03.2009 is not applicable. Hence, the applicant is entitled for the payment of overtime work which he has done. Hence, the following order.

ORDER

- 1) The O.A. is allowed.
- 2) The respondents are directed to give overtime allowances to the applicant as per proposal dated 04.08.2020 submitted by respondent no. 4 to respondent no.3.

3) No order as to costs.

(Justice M.G.Giratkar)
Vice Chairman

Dated – 04/10/2023
rsm.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : Raksha Shashikant Mankawde
Court Name : Court of Hon'ble Vice Chairman.
Judgment signed on : 04/10/2023.
Uploaded on : 09/10/2023.