

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, JABALPUR**

NO. CGIT/LC/C/2/2012

Present: P.K.Srivastava

H.J.S..(Retd)

Madan Lal Malviya

Age 62 Years, S/o. Chiroji Lal Malviya

R/o. H.No. 48-A, Sudesh Nagar, Bhopal (MP)

Applicant/Workman

Versus

1. Chief General Manager

State Bank of India

Hoshangabad Road, Bhopal (MP)

2. Branch Manager

State Bank of India

Sultaniya Road and Royal Market

Bhopal (MP)

Management

(J U D G M E N T)

(Passed on this 18th day of April 2024)

The award holder applicant has filed this petition U/S. 33(c-2) of Industrial Disputes Act 1947, hereinafter referred to by the word 'Act' for computation of his claim regarding arrears of his overtime allowance with respect to the work done by him in the bank in overtime for the period 28.03.2003 to 30.03.2007 and direction to management to pay this amount alongwith interest.

According to the applicant workman he was engaged as Office Assistant/ Clerk by the management of State Bank of India and worked for additional 3 to 4 hours in the bank as Senior Assistant within t he period 11.03.2003 to 30.03.2007 on daily basis total 1942 hours but was not paid overtime wages by the bank as per bipartite settlement. He has further alleged that he made a representation on 04.08.2012 through his advocate by way of registered post claiming the amount computed at 4,85,082/- with interest but was not paid. He has thus requested the payment of the said amount with interest @ of 15 to 18% p.a. The applicant/workman has filed photocopy of representations in this respect said to be made by him to Human Rights Commission on 29.09.2007 and 03.09.2007. And also a representation dated 15.06.2007 with a calculation sheet made by him.

In its reply to the petition, management has taken the case that the applicant was never directed to work overtime nor has he discharged any work in overtime, hence not entitled to any amount as overtime wages as claimed by him.

The applicant has filed a rejoinder wherein he has denied the case of management and has alleged that oral orders were issued by management to work beyond working hours which can be verified from attendance register and CCTV Camera which show the time of his exist and entry in the bank.

The workman has proved his calculation sheet prepared by him and has filed his attendance sheet for the period in question obtained by him in Right to Information Act. He has also filed his affidavit as his examination in chief and has been cross examined by management.

Management has filed affidavit of its witness as his examination in chief. The workman was given opportunity to cross examine this witness but did not avail.

At the stage of argument, only learned Counsel for management Shri Vijay Tripathi was present. His arguments were heard. None appeared for the workman for arguments. No written submission has been filed by any of the parties. I have gone through the records as well.

Section 33(c) (2) of the Act is being reproduced as follows:-

33C. Recovery of money due from an employer.—

(1)

(2) *Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government; within a period not exceeding three months.*

(3)

In his affidavit, the applicant/workman has corroborated his case regarding overtime. He admits in his cross examination that the calculation sheet has been prepared by him and not by bank. In his un cross examined affidavit the management witness has said that the workman never worked 3 to 4 hours extra in the bank as he was never directed by the management to do so. Also that he failed to produce any order in writing issued by management to overstay and do work overtime.

In the RTI documents regarding attendance, it comes out that on some days the applicant has left the bank even after usual office hours. This is not unusual for the employees including bank employees also. In absence of any order in writing, only a self prepared calculation sheet and affidavit is not sufficient to hold the claim of the applicant proved. **Hence, holding the claim of the workman not proved, the petition deserves to be dismissed and is dismissed accordingly. No order as to cost.**

DATE:- 18/04/2024

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**