

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION.NO.170/01527-1530/2018

DATED THIS THE 12TH DAY OF FERUARY 2020

HON'BLE DR. K.B. SURESH, MEMBER (J)

HON'BLE SHRI CV.SANKAR MEMBER (A)

1.Non-Gazetted Staff Union of
Indian Meteorological Department
Represented by Deputy Regional
Secretary, BL.Shivaprakash
S/o Sri K.Lingiah
Aged about 46 years,
Working as Scientific Assistant (Group –B)
Indian Meteorological Department.
FMC Gadag, Sambapur Road,
Gadag District.

2.M.Venkatesh,
S/o Late Munivankatappa,
Aged about 56 years,
Working as Attendant/MTS (Group –C)
O/o Central Observatory Complex,
Meteorological Centre,
Palace Road,
Bangalore

3.R. Prasad
s/o. H. Ramachandra
aged about 45 years
working as Scientific Assistant (group-B)
Pilot Balloon Observatory
Office of Meteorological Department
No.909, 9th Main,
4th Cross, BTM 2nd stage
Bangalore.76

4.K.Hanumantha Raju
S/o Late.Kemperangaiah,
Aged about 54 years,
Working as Attendant/MTS (Group –C) ,
O/o Central Observatory Complex,
Meteorological Centre, Palace Road,
Bangalore

.....Applicants

(By Advocate Shri Izzhar Ahmed)

Vs.

1.Director General of Meteorology,
Indian Meteorological Department.
Ministry of Earth Science ,
Mausam Bhavan,
Lodhi Road,
New Delhi – 110 003.

2.Deputy Director General of
Meteorology,
Regional Meteorology Centre,
Indian Meteorology Department,
50, College Road,
Chennai

3.Union of India
Through the Secretary,
Ministry of Earth Science ,
Prithvi Bhavan,
CMD Compound
Lodhi Road,
New Delhi – 110 003.

....Respondents

(By Shri VN.Holla, Sr.Panel Counsel)

ORDER (ORAL)

HON'BLE DR K.B.SURESH, MEMBER (J)

1. Heard. This is a matter which had been engaging the attention of various courts and Tribunals all over India. Following the Tribunal's order of Jodhpur Bench, OTA was granted to the similarly situated persons. Now, apparently, the government had issued an OM.No.E(2)109/6th CPC (Allowances) dated 15.3.2018 which we quote:-

*"No.E(2)109/6th CPC(Allowances)
Government of India
(Ministry of Earth & Sciences)
India Meteorological Department
Office of the Director General of Meteorology
Mausam Bhawan, Lodi Road, New Delhi-I 10003 .*

Dated, New Delhi, the 15th March, 2018

OFFICE MEMORANDUM

Subject: Enhancement of the rate of Over Time Allowance (OTA) and Night Duty Allowance (NDA).

The undersigned is directed to refer to the subject cited above and convey that the proposal for the revision of rates of OTAAIDA for the eligible employees of the department was forwarded to the Deptt. of Personnel & Training (DoP&T) through the Administrative Ministry (MoES). DoP&T, vide their I.D.No.A-2701610112017- Estt.(AL) dated 06.02.2018, intimated that -

- (1) The proposal of IMD to revise the rates of OTA is not agreed to;*
(2) The matter pertaining to the implementation of Govt's decision on 7'h CPC recommendations on -
OTA is under active consideration and once the definition of 'Operational Staff is finalized, it will be circulated to all concerned based on which the respective Ministries/Departments will have to

prepare a list of employees coming under the 'operational staff category, and

(ii) NDA is under consideration and further comments on IMD's proposal will only be provided once the instructions are finalized.

This is for general information of all concerned.

Sd/-

*(Santanu Choudhury)
Meteorologist' A' (Estt.II)
for Director General of Meteorology “*

2. The issue is in a very small compass. Whether or not the enhancement of OTA/NDA is a matter to be decided purely by the executive and apparently after consideration of the subject matter, the enhancement of OTA/NDA was not agreed to vide Annexure-R3 communication dt.28.3.2016. And vide Annexure-R6, the matter has been finally decided by the respondents deciding that the rates of Over Time Allowance was not to be revised upwards. The matter of upward revision or otherwise of OTA/NDA is purely a policy matter and the concerned nodal ministry has already taken a decision. Therefore, at this point of time, we cannot give any direction as sought for by the applicants. The OA lacks merit and dismissed. No order as costs.

(CV.SANKAR)
MEMBER (A)

(DR. K.B. SURESH)
MEMBER (J)

bk.

Annexures referred to by the applicant in OA No.1527-1530/2018

Annexure- A-01.A copy of impact assessment and economic benefits.

Annexure: A-02.A copy of letter dated 13.09.1990.

Annexure- A-03. A copy of DoP&T OM dated 19.03.1991.

Annexure: A-04. A copy of office order dated 30.04.1991.

Annexure- A-05. A copy of Proforma -I granting NDA for 2016-2017.

Annexure- A-06.A copy of reply under RTI dated 26.05.2016.

Annexure- A-07.A copy of reply under RTI dated 20.07.2016 along with DoP&T Office note dated 15.03.2016.

Annexure: A-08. A copy of representation dated 26.08.2016.

Annexure- A-09. A copy of representation dated 08.12.2016 along with OM dated 04.10.1989.

Annexure- A-10. A copy of Notification of CCS (RP) Rules 2008 dated 29.08.2008.

Annexure- A-11. A copy of resolution dated 06.07.2017 as 7th CPC.

Annexure- A-12.A copy of DoP&T's OM dated 16.11.2017.

Annexure- A-13. A copy of compliance order dated 18.12.2017 of OM dated 16.11.2017.

Annexure- A-14.A copy of DoP&T's OM dated 19.06.2018.

Annexure- A-15. A copy of Railway Board's order dated 09.02.1998

Annexure- A-16. A copy of order dated 05.11.2009 in OA-34/2008

Annexures referred in reply

Annexure R1 :A copy of the order in OA No.81/2017 dated 20.11.2018 passed by CAT, Bangalore Bench.

Annexure R2: A copy of the letter No.I-11020/1/2014-Estt(AL) issued by DOPT dated 28.4.2015

Annexure R3: Copy of DOPTs OM No.A-27016/01/2015-Estt.(AL) dated 28.3.2016

Annexure R4 Copy of OM dated 3.5.2017

Annexure R5 Copy of minutes of meeting dated 7.9.2016

Annexures referred in rejoinder

Annexure- A-17. A copy of order sheet of High Court of Karnataka dated 20.11.2018

Annexures referred in surrejoinder

Annexure R6 Copy of OM dated 19.6.2018

Annexure R7 Copy of OM dated 16.11.2017