

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

D.A. No. 446/90  
M.P. No. 2713/89

New Delhi this the 15th of July 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri B.K. Singh, Member(A)

1. Shri N. Tiwari,  
S/o. Shri Late S. Muniram Tiwari,  
Aged 46 years, Asstt. Foreman  
Ordnance Factory Varangaon,  
8/b Type IV Quarters, Ordnance  
Factory, varangaon 425308.
2. Shri P. Ramakrishnan.  
S/o. Late Shri Paluru Ramaiah,  
Aged 44 years, Asstt. Foreman  
Ordnance Factory, Varangaon,  
2/0 Type IV Quarters,  
Ordnance Estate Varangaon, 425308.
3. Shri E.A. Patil.  
S/o Asaram Dagaru Patil,  
Aged 48 years, Asstt. Fore in O.F.V.  
2/B, Type IV Quarters,  
- do -
4. Shri Ratneswar Mukhopadhyay,  
S/o Late Shri N. Mukhopadhyay,  
Aged 43 years, Asstt. Foreman in O.F.V.  
4/B, Type IV Quarters,  
-do-
5. Shri S.V. Seshaiyah,  
S/o Shri S.V. Subhasastry,  
Aged 47 years, Asstt. Foreman,  
28/C, Type IV Quarters,  
- do -
6. Shri T.K. Rao,  
S/o Late Shri T. Raghavulu,  
Aged 47 years, Asstt. Foreman,  
28/B, Type IV Quarters,  
- do -
7. Shri Sudhakaran N.,  
S/o. Late Shri A.R. Kunjan.  
Aged 47 years, Foreman in O.F.V.  
11/A, Type IV Quarters,  
- do -
8. Shri B. Laxminarayan,  
S/o Shri B. Venkateshwarlu, Asstt. Foreman,  
11/B, Type IV Quarters,  
- do -
9. Shri S. Sen, Shri  
S/o Shri late J. Sen. Asstt. Foreman.  
Aged 52 years,  
12/B, Type IV Quarters O.F.V.  
- do -
10. Shri A.S. Tharthare,  
S/o. Shri S.B. Tharthare,  
Aged 42 years, Asstt. Foreman, O.F.V.  
12/C, Type IV Quarters,  
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11. Shri S.K.Dutta,  
S/o Shri B.N.Datta.  
Aged 51 years, Fore-man in O.F.W.  
13/A, Type IV Quarters,  
Ordinance Estate, Varangaon,
12. Shri B.Ramamurthy.  
S/o Shri late B. Subharao, Asstt. Foreman, Aged 48 yrs.  
13/A, Type IV Quarters,  
- do -
13. Shri R.Venkateswarlu.  
S/o Shri Radhakrishnaiah R.  
Aged 45 years. Asstt. Foreman.  
14/C, Type IV Quarters,  
- do -
15. Shri B.Lakshman Rao.  
S/o of Shri B.Somesurva Rao,  
Aged 43 years. Asstt. Foreman,  
28/D Type IV Quarters,  
- do -
14. Shri P.Q.Tongaowkar.  
S/o Shri R.S.Tongaonkar.  
Aged 50 years. Asstt. Foreman,  
10/A, Type IV Quarters,  
- do -
16. Shri N.C.Risbud.  
S/o Late Shri C.V.Risbud,  
Aged 53 years. Foreman in O.F.V.  
10/D, Type IV Quarters.  
- do -
17. Shri Mohan Hari Margunde,  
S/o Late Shri H.V.Naggunde,  
Aged 52 years, Foreman O.F.V.  
9/B, Type IV Quarters,  
- do -
18. Shri M.K.Nehete  
S/o Shri Kisan Nehete,  
Aged 50 years. Foreman in O.F.V.  
16/A, Type IV Quarters,  
- do -
19. Shri Narendra N. Sharma.  
S/o Dr. D.N.Sharma.  
Aged 49 years, Asstt. Foreman in O.F.V.  
18/A, Type IV Quarters,  
- do -
20. Shri K.C.Khattar.  
S/o Late Shri M.L.Khattar,  
Aged 43 years, 18/d, Type IV Qrts.  
- do -
21. Shri P.C.Tewari.  
S/o Late Shri Srikrishna Tiwari,  
Aged 43 years, Asstt. Foreman, O.F.V.  
6/D, Type IV Quarters,  
- do -
2. Shri K.C.Arora,  
S/o Shri R.D.Arora,  
Aged 46 years, Asstt. Foreman,  
7/D Type IV Quarters,  
- do -

23. Shri K.R.Narayan Murthy.  
S/o Shri Rangarao,  
Aged 45 years, Asstt. Foreman. in O.F.V.  
8/A, Type IV Quarters, Varangaon.  
- do -
24. Shri P.K.Sahasrabudhe.  
S/o Shri K.M. Sahasrabudhe,  
Aged 54 years, Foreman in O.F.V.  
8/D, Type IV Quarters,  
- do -
25. Shri B.K. Paul  
S/o Shri K.M. Paulose,  
Aged 41 years, Asstt Foreman in O.F.V.  
17/D, Type IV Quarters,  
- do -
26. Shri B.C.Banerjee.  
S/o Late Shri K.C. Banerjee,  
Aged 50 years, Foreman in O.F.V.  
16/C, Type IV Quarters,  
- do -
27. Shri D.C.Shrivastava.  
S/o Shri V.S.Srivastava.  
Aged 41 years, Asstt. Foreman in O.F.V.  
17/C, Type IV Quarters.  
- do -
28. Shri D.T.Waykade.  
S/o Late Shri T.U. Waykole.  
Aged 50 years. Foreman in O.F.V.  
10/B, Type IV Quarters.  
- do -
29. Shri S.K. Kaushal.  
S/o Late Shri M.C.Kausal.  
Aged 45 years. Asstt. Foreman in O.F.V.  
23/B, Type IV Quarters.  
- do -
30. Shri Ram Babu.  
S/o of Late Shri Devi Ram.  
Aged 45 years, Foreman in O.F.V.  
15/A, Type IV Quarters.  
- do -
31. Shri T.D.Mukhopadhyay  
S/o Late Shri Narendranathe Mukherji,  
Aged 44 years, Asst. Foreman, O.F.V.  
5/A, Type IV Quarters.  
- do -
32. Shri A.K. Ghosh.  
S/o Late Shree A. Ghosh.  
Aged 42 years. Asstt. Foreman in O.F.V.  
18/B, Type IV Quarters,  
- do -
33. Shri N.B.Nanaware.  
S/o Late Shri Bhivadas Nanaware.  
Aged 53 years. Asstt. Foreman in O.F.V.  
3/F, Type III Quarters,  
- do -

34. Shri K.K.Sharma  
S/o Shri B.R.Sharma,  
Aged 40 years. Asstt. Foreman in O.F.V.  
6/C, Type IV Quarters.  
- do -
35. Shri M.K.Sharma.  
S/o Shobha Ram Sharma,  
Aged 40 years. Asstt. Foreman in O.F.V.  
12/D, Type IV Quarters.  
- do -
36. Shri G.R.Dewan  
S/o. Shri Mukundlal Dewan  
Aged 52 years. Asstt. Foreman.  
29/C, Type IV Quarters,  
- do -
37. Shri A.N. Khedlekar.  
S/o of Shri N.S Khedlekar.  
Aged 46 years. Asstt. Foreman in O.F.V.  
11/D, Type IV Quarters.  
- do -
38. Shri S.C.Dasgupta.  
S/o. Shri Gopal Mohan Dasgupta.  
Aged 45 years. Asstt. Foreman in O.F.V.  
24/A Type IV Quarters.  
- do -
39. Shri B.K.Singh.  
S/o. of Shri L.C.Kotwal  
Aged 49 years. Asstt. Foreman,  
21/B, Type IV Quarters,  
- do -
40. Shri M.L.Gupta.  
S/o Shri G.L. Gupta.  
Aged 43 years. Asstt Foreman in O.F.V.  
21/A Type IV Quarters.  
- do -
41. Shri K.N.Kathawate  
S/o. Shri N.B.Khathawate.  
Aged 47 years. Asstt. Foreman in O.F.V.  
22/C, Type IV Quarters.  
- do -
42. Shri S.K. Chakraborty.  
S/o Late Shri D.C.Chakraborty  
Aged 42 years. Asstt. Foreman in O.F.V.  
19/C, Type IV Quarters.  
- do -
43. Shri B.P.Singh.<sup>slw</sup>  
S/o ~~Shri~~ Late Eshwari Singh  
Aged 52 years, Asstt. Foreman in O.F.V.  
20/A, Type IV Quarters.  
- do -
44. Shri S.K. Kundu.  
S/o. of Shri Balaram Kundu, Asstt foreman.  
Aged 41 years.  
1/C, Type IV Quarters.  
- do -
45. Shri B. Phani Babu.  
S/o of Late Shri B.Y.Somahajuly  
Aged 41 years. Asstt. Foreman, in O.F.V.  
2/C, Type IV quarters.  
-do-

46. Shri P. Ramarao.  
S/o. Late Shri P. Subha Rao.  
Aged 47 years. Asstt. Foreman,  
4/A, Type IV Quarters,  
- do -
47. Shri S.C.Mandal  
S/o Late Shri B. Mandal,  
Aged 50 years. Foreman, in O.F.V.  
3/D, Type IV Quarters,  
- do -
48. Shri H.D.S.Kanwara.  
S/o Shri Prem Narayan Singh Kanwara.  
Aged 46 years, Asstt. Foreman in O.F.V.  
10/C, Type IV Quarters,  
Ordinance Factory Estate, Varangaon.
49. Shri M.D.Anwar Baig.  
S/o Late Shri Md. Mastan Baig.  
Aged 44 years, Asstt. Foreman in O.F.V.  
17/B, Type IV Quarters.  
- do -
50. Shri Shyamal Kumar Saha.  
S/o. Late Shri Kanailal Saha.  
Aged 47 years, Foreman in O.F.V.  
27/C, Type IV Quarters.  
- do -
51. Shri K.C.Modi.  
S/o. Late Shri Devchand Modi.  
Aged 49 years. Asstt. Foreman in O.F.V.  
21/C, Type IV Quarters.  
- do -
52. Shri D.K. Bhattacharjee.  
S/o Late Shri J.N. Bhattacharjee.  
50 years. Foreman in O.F.V.  
19/B, Type IV Quarters.  
- do -
53. Shri B.R.Tayade.  
S/o Shri Rewaji Soma Tayade  
Aged 48 years. Foreman in O.F.V.  
25/A, Type IV Quarters.  
- do -
54. Shri B.Tata Rao.  
S/o. Late Shri Bokka Ramaswamy.  
Aged 45 years. Asstt. Foreman in O.F.V.  
12/B, Type IV Quarters.  
- do -
55. Shri C.V.Ramana Murty.  
S/o. Late Shri C.R.Dikshatulu.  
Aged 52 years. Asstt. Foreman in O.F.V.  
28/A, Type IV Quarters.  
- do -
56. Shri A.P. Bhatnagar.  
S/o Shri Govind P.Bhatnagar.  
Aged 48 years, Asstt. Foreman in O.F.V.  
29/D, Type IV Quarters.  
- do -
57. Shri S.K.Wadhe.  
S/o K.S.Wadhe.  
Aged 48 years. Foreman in O.F.V.  
17/A, Type IV Quarters.  
-do-

58. Shri A.V.Ozarde.  
S/o. Shri V.Z.Ozarde,  
Aged 49 Years, Asstt. Foreman in O.F.V.  
29/G, Type III Quarters,  
- do -

59. Shri Y.B.Rajput.  
S/o of Shri B.S.Rajput.  
Aged 48 Years, Asstt. Foreman in O.F.V.  
Near Civil Court, Saraf Building,  
Bhusaval.

60. Shri K.M. Shrivastava  
S/o Late Shri R.K. Shrivastav.  
Aged 52 Years, Foreman in O.F.V.  
30/A, Type IV Quarters,  
Ordinance Estate, Varangaon.

61. Shri V. Subramanyam,  
S/o Late Shri Vaddi Venkataratnam,  
Aged 45 Years, Asstt. Foreman in O.F.V.  
27/A, Type IV Quarters,  
- do -

( NONE )

V/s.

1. Union of India, Through  
Secretary, Ministry of Defence  
Production, Government of India,  
New Delhi.

2. The Chairman  
Ordinance Factory Board,  
10-A, Auckland Road,  
Calcutta.

3. The General Manager,  
Ordinance Factory,  
Varangaon.

( NONE )

6

Applicants.

Respondents.

ORDER ( Oral)Hon'ble Shri J.P. Sharma, Member (J)

In all 61 applicants joined together to file this application against the Circular dated 5.4.1988 and F.O. No. 66 dated 12.4.1988 whereby only 50% of the strength of the foreman and Assistant Foreman are deployed on overtime. The grievance of the applicants is that the said circular and order are arbitrary, unreasonable, unjust and also the method of calculating and the payment of overtime as per the Circular dated 27.4.1988 is discriminatory, illegal and contrary to the provisions of Indian Factories Act, 1948. The applicants have prayed for the grant of the reliefs that the curtailing of the working of the Overtime is discriminatory and violative of principles of natural justice and the order dated 5.4.1988 and 12.4.1988 be set aside or the applicants be directed to pay compensation of the applicants in view of certain withdrawal of 50% of the overtime working. A direction be issued to continue the present arrangement. A declaration be also made that OM dated 25.6.1993 is discriminatory.

2. A notice was issued to the respondents to file the reply opposing the grant of the relief. The applicants have also filed the rejoinder.

3. O.A. No. 1130/88 was filed by Shri M.P. Sharma and also challenged in OA No. 446/90. The Hon'ble Chairman by the order dated 23.2.1990 directed that the present OA 446/90 be heard and disposed of alongwith OA-1130/88. This OA-446/90 has been registered in the Principal Bench on transfer from New Bombay Bench where the No. was 640/88.

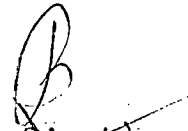
4. None is present on behalf of the parties despite of the fact that the matter is on Board since Jun.1994. It appears that OA-1130/88 had already been disposed of by

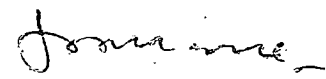
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the Principal Bench by the order dated 20.8.1992 and the relief claimed by Shri M.P. Sharma and 98 others was not considered favourable and the O.A. was ordered to be dismissed. In view of this the same order passed by the Principal Bench OA-1130/88 in all four applies to the present petitioners of OA-446/90. We agree with the findings and reasonings given by the Bench in OA-1130/88 and do not want to reiterate the same in this judgement. A copy of the judgement of OA-1130/88 shall be placed by the Registry in the present O.A.

5. This application is totally devoid of merit in the decision OA-1130/88 decided on 20.8.1992. O.A. is dismissed. Costs on parties.

  
(B.K. Singh)  
Member(A)

  
(J.P. Sharma)  
Member (J)

\*Mittal\*