

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

(This the 14th Day of September, 2021)

Hon'ble Mr. Pratima K. Gupta, Member (Judicial)

Original Application No.330/00698/2021

1. Kishun Deo Yadav, Aged about 65 years, S/o Late Shiv Mangal Yadav, R/o 65E/11, Dabouli 1, Ratan Lal Nagar, Udyog Nagar, Kanpur Nagar. Retired from the post of Mechanist (MCM) from Ordinance Factory, Kanpur.
2. Tribhuwan Singh, S/o Late Ram Manohar Singh, R/o 128/3/128, Yashoda Nagar, Kidwai Nagar, Kanpur. Retired from the post of Millwright (MCM) from Ordinance Factory, Kanpur.
3. Indra Pal Singh, S/o Late Harishanker Singh, R/o Village – Mardanpur, Near Rajkiya Ayurvedic Chikitsalay, District – Kanpur Nagar. Retired from the post of Fitter (MCM) from Ordinance Factory, Kanpur.
4. Rajendra Mishra, S/o Late Bankey Lal Mishra, R/o C-316, Gujaini, Thana Govind Nagar, Kanpur. Retired from the post of Mechanist (MCM) from Ordinance Factory, Kanpur.
5. Shri Krishna Yadav, S/o Late Shobhan Yadav, R/o 65E/12, Dabouli, Thana Govind Nagar, Kanpur. Retired from the post of Chargeman from Ordinance Factory, Kanpur.
6. Raj Bihari Lal, S/o Late Ram Naval Lal, R/o 65E/16, Dabouli, Thana Govind Nagar, Kanpur. Retired from the post of Mechanist (MCM) from Ordinance Factory, Kanpur.
7. Subhash Chandra Ghosh, S/o Late Sbodh Chandra Ghosh, R/o Village – Amiagora, Post – Amiagora, Sub District – Garhbeta-I, District – Paschim Medinipur (West Bengal). Retired from the post of Mechanist (MCM) from Ordinance Factory, Kanpur.
8. Sukhnandan, S/o Late Gajju, R/o 56L, Dabouli, Thana Govind Nagar, Kanpur. Retired from the post of Mechanist (Skilled) from Ordinance Factory, Kanpur.
9. Uday Shanker Singh, S/o Late Ram Naresh Singh, R/o J-429, Gujaini, Thana Govind Nagar, Kanpur. Retired from the post of Mechanist (MCM) from Ordinance Factory, Kanpur.
10. Kayam Singh, S/o Late Chhotey Lal, R/o 84E/1, Dabouli-2, Udyog Nagar, Kanpur. Retired from the post of Mechanist (MCM) from Ordinance Factory, Kanpur.
11. Ajaivir Singh, S/o Late Ganga Singh, R/o 242, Damodar Nagar, Thana – Barra, Kanpur. Retired Mechanist (MCM) from Ordinance Factory, Kanpur.

12. Narendra Mohan, S/o Late Jwala Prasad Tripathi, R/o MIG-3, Dabouli West, Kanpur Nagar. Retired from the post of Fitter (Highly Skilled) from Ordinance Factory, Kanpur.
13. Dukhi Yadav, Late Dhani Yadav, R/o A-129, Guzaini, Udyog Nagar, Kanpur Nagar. Retired from the post of OMHE (HS-I) Ordinance Factory, Kanpur.
14. Santosh Kumar Katiyar, S/o Late Ram Babu Katiyar, R/o 7E/3, E Block, Dabauli, udyog Nagar, Kanpur. Retired from the post of Mechanist (MCM), Ordinance Factory, Kanpur.
15. Hari Shanker Yadav, S/o Late Ram Raj Yadav, R/o 126/8, Shastri Nagar, Harihar Nath, Hans Nagar, Kanpur. Retired from the post of Examiner (HS), Ordinance Factory, Kanpur.
16. Dilshad Ahmed Ansari, S/o Late Rasool Ahmed Ansari, R/o 123, Sujatganj, Kanpur Nagar. Retired from the post of Chargeman (GS-II), Ordinance Factory, Kanpur.
17. Shri Krishna Pal, S/o Late Mahveer, R/o H. No. 127/556-B, Juhi Clony, Baradevi, Kanpur Nagar. Retired from the post of Chargemen, Ordinance Factory, Kanpur.
18. Balram Prasad Maurya, S/o Late Baldev Ram, R/o A/A-74, Gajaini, Thana Govind Nagar, Kanpur. Retired from the post of Chargemen, Ordinance Factory, Kanpur.
18. Parmanand Vishwakarma, S/o Late Tain, R/o 54E/19, Dabauli-2, Thana Govind Nagar, Kanpur. Retired from the post of Chargemen/QCM, Ordinance Factory, Kanpur.
19. Ravindra Dev Bajpai, S/o Late Sukhdev Prasad, R/o 128-B, Gujaini, Thana Govind Nagar, Kanpur. Retired from the post of Mill Wright (HS-II) from Ordinance Factory, Kanpur.
20. Heera Lal, S/o Late Shuddu, R/o 77E/15, Dabauli, Udhyog Nagar, Kanpur. Retired from the post of Mechanist (MCM) from Ordinance Factory, Kanpur.

..... **Applicants**

**By Advocates: Shri M.K. Upadhyay
Shri Sachin Upadhyay
Shri Chaturbhuj Dwivedi**

Versus

1. Union of India through the Secretary, Ministry of Defence, Department of Defence Productions, Government of India, New Delhi.
2. Director General/Chairman, Ordinance Factory Board, 10A, S. K. Bose Road, Kolkata.
3. General Manager, Ordinance Factory, Kanpur.

..... **Respondents**

By Advocate: Shri Chakrapani Vatsyayan

ORDER

Shri M.K. Upadhyay along with Shri Sachin Upadhyay, learned counsel for the applicants and Shri Chakrapani Vatsyayan, learned counsel for the respondents are present.

2. By means of this O.A. filed under Section 19 of the A.T. Act, the applicants seeking a direction to the respondents to extend the benefit of OTA by inclusion of various allowances i.e. HRA, TA and SFA provisionally with retrospective effect from 01.01.2006 in terms of the order passed by the Hon'ble High Court of Madras vide order dated 30.11.2011 in Writ Petition No.609/2011 as well as the orders passed by Hyderabad Bench, Principal Bench and Calcutta Bench of this Tribunal.

3. Learned counsel for the applicants submitted that the facts of this case are identical to the facts of the above-mentioned OAs and subsequently confirmed by the Writ Petition of the Hon'ble High Court. He, further, submitted that applicants will be satisfied at this stage, if the competent authority amongst the respondents is directed to decide the pending representations of the applicants dated 23.08.2021, 25.08.2021, 26-08-2021, 27-08-2021 and 28-08-2021 in the light of judgment of Hon'ble High Court of Madras in WP No. 609/2011, order dated 19-02-2018 passed by the Principle of this Hon'ble Tribunal in original application No.650/2018 and order dated

01-02-2021 passed by the Hon'ble Tribunal Calcutta in original application No. 139/2021.

4. Heard learned counsel for both the parties and perused the record as well as the judgment and orders relied upon by learned counsel for the applicants.

5. Since, the applicants in this OA have only seeking a direction to decide their representation in terms of the judgment passed by Hon'ble Madras High court and the orders passed by several other Benches of this Tribunal, I am of the view that no fruitful purpose will be served to keep this OA pending and matter can be resolved by taking a decision on the pending representation of the applicants. Hence, without commenting anything on the merits of the case, the present O.A. is disposed off at the admission stage with direction to respondent No.3/Competent Authority to decide the pending representation of the applicants dated 23-08-2021, 25-08-2021, 26-08-2021, 27-08-2021 and 28-08-2021 in the light of judgment of Hon'ble High Court of Madras in WP No. 609/2011, order dated 19-02-2018 passed by the Principle Bench in original application No.650/2018 and order dated 01-02-2021 passed by the Calcutta Bench in original application No. 139/2021 by passing a reasoned an speaking order and grant the same benefits to the applicants of this OA also, if the facts of present case are identical to the facts of the above-mentioned OAs, within a period of **three months** from the date of receipt of a certified copy of this order and communicate the decision to the applicants in writing.

6. It is made clear that the Tribunal has not expressed any opinion on the merits of the case.

7. There shall be no order as to costs.

(Pratima K. Gupta)
Member (J)

Sushil