

Central Administrative Tribunal, Allahabad Bench, Allahabad

This the 8th day of October, 2021.

Hon'ble Mr. Tarun Shridhar, Member (A)

Original Application No. 330/00775/2021

1. 'A' Ayudh Nirmani Kamgar Sangh, Muradnagar affiliated to Bhartiya Mazdoor Sangh and Bhartiya Pratiraksha Mazdoor Sangh Reg No. 9225 and represented by its General Secretary namely Kuldeep Kumar S/O Shri Bhaggwan R/O H. No. 333 Gali No. 03, Ward No. 04, New Defense Colony, Muradnagar, Ghaziabad, Up-201206.
2. Kuldeep Kumar S/o Bhagwan, R/o H.No. 333 Gali No. 03, Ward No. 04, New Defence Colony, Muradnagar, Ghaziabad

..... APPLICANTS

By Advocate: Shri L.M. Singh and Shri Manish Kumar Yadav.

Versus

1. Union of India through the Secretary, Ministry of Defence, (Defence Production), Government of India, South Block, New Delhi – 110001.
2. The Controller General of Defence Accounts, Ministry of Defence, having office at Ulan Bazar Road, Palam Colony, Delhi Cantonment, Delhi – 110010.
3. The Secretary, Ordnance Factory board. Ayudh Bhawan, 10-A, S.K Bose Road Kolkata, 700001.
4. The General Manager, Ordnance Factory Muradnagar, 201206.

.....RESPONDENTS.

By Advocate: Shri Chakrapani Vatsyayan.

ORDER

Shri L.M. Singh and Shri Manish Kumar Yadav, learned counsel for the applicants and Shri Chakrapani Vatsyayan, learned counsel for the respondents, are present.

2. By virtue of this O.A., the applicants seek the following relief:

i. To direct the respondents to include the HRA, TA and SFA for purpose of calculation of overtime allowance in terms of order dated 11.11.2020 in O.A. 705/2020 passed by the Hon'ble CAT, Kolkata bench, order dated 25.04.2018 in O.A. 650/2016 passed by the Hon'ble CAT Principal Bench and order dated 04.04.2014 in O.A. 1372/2012 passed by Hon'ble CAT, Hyderabad Bench respectively with all consequential benefits and relies the arrears in favor of the respective Applicants/members of the applicant Union with 18% interest.

ii. Issue any other and further writ, orders or directions, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

iii. Award cost of the Original Application to the Applicant.

3. Shri L.M Singh, learned counsel for the applicants points out that there are various pronouncements including the order of the Principal Bench of CAT and Kolkata Bench of CAT wherein the relief sought in this O.A. has been extended to similarly placed employees of the department. He seeks a direction for disposal of this O.A. at admission stage by extending similar relief to the present applicants on the ground that they are also similarly placed and the facts and circumstances are identical without even a minor deviation.

4. Shri Chakrapani Vatsyayan, learned counsel for the respondents seeks time to file reply and also requests that it needs to be ascertained as to whether they have made a comprehensive representation in this regard and exhausted the administrative remedy available to them.

5. In the light of the fact that this matter has also been decided by the Principal Bench of CAT and also by the Kolkata bench, it would be fair at this stage to give a direction to the respondents to

examine the claim of the applicants in the light of the judgements already rendered by the aforesaid Benches of this Tribunal and take a decision on the claim accordingly.

6. The applicants are directed to make a fresh comprehensive representation within a period of four weeks from the date of this order along with all the necessary supporting documents and the judgements they are relying upon.

7. The respondents, on receipt of such a representation, should take a decision on this within eight weeks strictly in accordance with the law and the rules governing the subject and the pronouncements made by the aforesaid Benches.

8. With these directions, the O.A. stands **disposed** off.

(Tarun Shridhar)
Member (A)

(Ritu Raj)