

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD

(This the **8th Day** of **October**, 2021)

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

Original Application No.330/00784/2021

1. Anil Kumar Singh aged about 65 years, S/o Shiripal Singh, R/o 117/M/802/C-1, M Block Kakadev, Rawatpur, Kanpur Nagar. Retired from the post of O.S (Office Superintendent) Ordinance Factory, Kanpur.
2. Surendra Kumar Mal, S/o Sohan Mal, R/o 120/841, Ranjeet Nagar, Post Office Harihar Nath Shastri Nagar Kanpur Nagar. Retired from the post of JWM (Junior Work Manager) from Ordinance Factory, Kanpur.
3. Pramod Kumar, S/o Bandi Prasad, R/o 202/4, Vijay Nagar, Hans Nagar, Kanpur Nagar. Retired from the post of JWM (Junior Work Manager) from Ordinance Factory, Kanpur.
4. Ravi Shankar Misra, S/o Ramesh Bihari Mishra, House No. 310/7, Shastri Nagar, Hans Nagar, Kanpur Nagar. Retired from the post of Chargemen from Ordinance Factory, Kanpur.
5. Shantanu Kumar Mishra, S/o Bishambher Nath Mishra, R/o 119/518, Darshan Purwa, Kanpur, R. K. Nagar, Kanpur Nagar. Retired from the post of Chargemen from Ordinance Factory, Kanpur.
6. Ramesh Chandra Srivastava, S/o Kishan Chandra Srivastava, R/o Hameerpur road 127/310 Juhi Gada Knapur Juhi Colony, Kanpur Nagar. Retired from the post of O.S (Office Superintendent) from Ordinance Factory, Kanpur.
7. Santosh Kumar Tiwari, S/o Udho Prasad Tiwari, R/o 128/70 G Block, Kidwai Nagar, Kidwai Nagar S.O, Kanpur Nagar. Retired from the post of O.S (Office Superintendent) from Ordinance Factory, Kanpur.
8. Arun Kumar Bajpai, S/o Durga Shankar Bajpai, R/o 128/112, d Block, Kidwai Nagar, Kanpur Nagar. Retired from the post of Chargemen from Ordinance Factory, Kanpur.
9. Surendra Pratap Yadav, S/o Ram Dutt Yadav, R/o 317 a 1, Swrajnagarpanki, Pankabahadur Nagar, Kanpur Nagar. Retired from the post of O.S (Office Superintendent) from Ordinance Factory, Kanpur.

10. RajpatiYadav, S/o Ram Subhag Yadav, Village-Usurkudhava, Maharaj Ganj, Azamgarh. Retired from the post of Mechanistfrom Ordinance Factory, Kanpur.
11. Harikaran Mishra, S/o Swaminath Mishra, pure rishalmishra, Dih, Amethi, Dih.Retired from the post of Wiremanfrom Ordinance Factory, Kanpur.
12. Vijay Kumar Singh, S/o Daya Singh, E.W.S-3170, Awas Vikas-3 Kalayanpur, Kanpur Nagar. Retired from the post of Mechanist from Ordinance Factory, Kanpur.
13. Mohd. Saleem, S/o Abdul Wahab, House number 105/183, ChamanGanj, Kanpur Nagar. Retired from the post of Mechanist from Ordinance Factory, Kanpur.
14. Reepu Sudan Upadhyay, C/o Amar Nath Upadhyay- 17, Ganga Nagar Society, Shyam Nagar new P A C Lines, Kanpur New Pac Lines, Kanpur Nagar. Retired from the post ofChargemen from Ordinance Factory, Kanpur.
15. BabuLal, S/o Chobe, R/o G1-49 Armapur Estate Armapur Estate Armapur Kanpur Nagar. Retired from the post of JWM (Junior Work Manager)from Ordinance Factory, Kanpur.
16. Shri Ram Pal, S/o Kishan Lal Pal, R/o 122/353 Mataiya Purva Shastri Nagar, Kanpur Nagar. Retired from the post of Chargemen from Ordinance Factory, Kanpur.
17. Urmila, W/o Onkar Nath, R/o 48/16 Block 5 Govind Nagar, Kanpur Nagar. Retired from the post of Treaser from Ordinance Factory, Kanpur.
18. Rama Wati, W/o Jai Narayan, R/o Sabji Mandi, 141/11 Vijay Nagar Colony, Kanpur Nagar. Retired from the post of Cable Jointer from Ordinance Factory, Kanpur.
19. Nirmala Yadav, W/o Vijay Narayan, R/o 141/12 Vijay Nagar, Kanpur Nagar. Retired from the post of Wireman from Ordinance Factory, Kanpur.
20. Subodh Singh, S/o Late Kishan Singh, R/o 88/7, peel colony, Govind Nagar, Kanpur Nagar. Retired from the post of O.S. from Ordinance Factory, Kanpur.
21. Vishun Kumar Mishra, S/o Vishambhar Nath Mishra, R/o 119/518 Darshan Purwa Ram krishna Nagar, R K Nagar, Kanpur Nagar. Retired from the post of Examiner from Ordinance Factory, Kanpur.
22. Ghanshyam Trivedi, S/o Shiv Kumar Trivedi, House no. 91, Baikunthpur, Bithoor Road, Baikunh Pur, Kanpur Nagar. Retired from the post of Chargemen from Ordinance Factory, Kanpur.

.....**Applicants**

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

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 Advocates: Shri Chakrapani Vatsyayan

ORDER

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

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 15.09.2021, 16.09.2021, 17.09.2021, 18.09.2021 19.09.2021 and 20.09.2021 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 representations of the applicants dated 15.09.2021, 16.09.2021, 17.09.2021, 18.09.2021 19.09.2021 and 20.09.2021 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)

Neelam