

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.330/00785/2021

1. Brijendra Kumar Jha aged about 61 years, S/o Late Rameshwar Prasad Jha, P. No. 3243/ Section –MM Ticket No. 428/MM, Kanpur Nagar. Retired from the post of Mil Wright from Mazdoor Union Ordinance Factory, Kanpur.
2. Daya Ram, S/o Kallu, R/o 307, Kacchi Basti, Bhatiya Bhawan, Govind Nagar, Govind Nagar Kanpur Nagar. Retired from the post of Labour from Mazdoor Union Ordinance Factory, Kanpur.
3. Sooraj Bali, S/o Late Khilla Ram Nishad, R/o 10 Ambedkar Puram, Kalyanpur Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
4. Amar Nath, S/o Late Ram Dhani, R/o 13/4 Safed lewar coloni, dada nagar, Kanpur Nagar. Retired from the post of Chargemen from Mazdoor Union Ordinance Factory, Kanpur.
5. Anwar Ullah Khan, S/o Mohd Khalil Khan, R/o 116/210 Saiyad Nagar, Rawatpur Gaon, Rawatpur, Kanpur Nagar. Retired from the post of Fitter from Mazdoor Union Ordinance Factory, Kanpur.
6. Moti Lal, S/o Shiv Pal, R/o 74/5 Babu Purwa Colony Kidwai Nagar T P Nagar, Kanpur Nagar T P Nagar. Retired from the post of vendor from Mazdoor Union Ordinance Factory, Kanpur.
7. Vishwanath, S/o Ganesh Prasad, R/o Chintamani School, 655/1 Shiv Nagar, Maswanpur, Kanpur Nagar. Retired from the post of Labour from Mazdoor Union Ordinance Factory, Kanpur.
8. Mohd. Aslam Khan, S/o Muneer Ahmed, masjid road, 134/11, 121 A Vijay Nagar, Vijay Nagar, Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
9. Kanhaiya Lal, S/o Nanke Pal, R/o 209/7 Vijay Nagar, plot no.4 bhim singh ke hate ke pass, Vijay Nagar, Kanpur Nagar. Retired from the post of Turner from Mazdoor Union Ordinance Factory, Kanpur.

10. Suspendra Pal Singh Yadav, S/o Attar Singh Yadav, R/o56 M.I.G. Nagar Nigam Enclave Panki Kalyanpur Road Near Gaytri Place Kanpur Kalyanpur, Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
11. Gore Lal, S/o Asharfi Lal, R/o 116/488, Rawatpur, Thana Kalyanpur, Kanpur Rawatpur Gaon, Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
12. Rajendra Singh Yadav, S/o R. S. Yadav, R/o M.I.G. 46, b block, panki, Pankabahadur Nagar, Kanpur Nagar. Retired from the post of Fitter from Mazdoor Union Ordinance Factory, Kanpur.
13. Ram Prakash, S/o Devideen, R/o 208/12, Vijay Nagar, Hans Nagar, Kanpur Nagar. Retired from the post of Turner from Mazdoor Union Ordinance Factory, Kanpur.
14. Cyril Virendra Dayal, S/o Late Nelson Dayal, F. T-188 near Gurdwara, Armapur Estate, Armapore, Kanpur Nagar. Retired from the post of Fitter from Mazdoor Union Ordinance Factory, Kanpur.
15. Prem Narain Yadav, S/o Mangal Singh Yadav, R/o 759, Bhawani Nagar, Daheli Sujampur, COD S.O, Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
16. Ram Prakash Pal, S/o Badalu Prasad, naurangabad Tikra Kanpur Tikra, Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
17. Hari Shanker, S/o Saraju Prasad, EWS 162, Awas Vikas 3, Panki Road Kalyanpur, Knapur, Kanpur Nagar. Retired from the post of Chargemen from Mazdoor Union Ordinance Factory, Kanpur.
18. Jai Ram Pal, S/o Sohal Lal Pal, R/o Imampur, Rastpur, Kanpur Dehat. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
19. Deoki Nandan, S/o Dudh Nanth, R/o 116/215, Kalash Nagar, Thana Kalyanpur, Rawatpur Gaon, Rawat pur ganv, Kanpur Nagar. Retired from the post of Mil Wright from Mazdoor Union Ordinance Factory, Kanpur.
20. Ram Nagina, S/Ram Das, R/o GIT-85 Armapur Estate Kanpur, Armapur Estate, Kanpur Nagar. Retired from the post of Forgemen from Mazdoor Union Ordinance Factory, Kanpur.
21. Uma Shankar Yadav, S/o Paramhans Yadav, R/o Sarswati Balika inter College ke pass, 121/6 Vijay Nagar, Vijay Nagar, Hns Nagar, Kanpur Nagar. Retired

- from the post of Turner from Mazdoor Union Ordinance Factory, Kanpur.
22. Ram Narayan Yadav, S/o Kishori Lal, R/o I- Block 324, Gujaini Udyog Nagar, Udyog Nagar, Kanpur Nagar. Retired from the post of Treaser from Mazdoor Union Ordinance Factory, Kanpur.
 23. Prem Chandra, S/o Ram Bharose, E W S 252 Jarauli Phase 2, Jarauli, Barra, Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
 24. Prem Chandra, S/o Kandhai, 530 MIR PUR, Kanpur Catt, H.O., Kanpur Nagar. Retired from the post of turner from Mazdoor Union Ordinance Factory, Kanpur.
 25. Pyarey Lal, S/o Manilal Pal, R/o lau ka purawa Pankabahadur Nagar Panki Ganga Ganj, Kanpur Nagar. Retired from the post of carpenter from Mazdoor Union Ordinance Factory, Kanpur.
 26. Chandra Prakash Singh, S/o Late Ram Sewak, House No.-68 B Kapli Panki Ganga Ganj, Pankabahadur Nagar Panki Ganga Ganj, Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
 27. Shiv Prasad, S/o Chhote Lal, R/o 182 E 1 Gangaganj Colony, Panki, Kanpur Nagar. Retired from the post of Mechanist from Mazdoor Union Ordinance Factory, Kanpur.
 28. Anil Singh, S/o Rama Shnkar Singh, R/o 553/1550 Ratan pur caloni panki, Pankabahadur Nagar, Kanpur Nagar. Retired from the post of C.M.D (Driver) from Mazdoor Union Ordinance Factory, Kanpur.
 29. Mamta Rani Mishra, W/o Ashok Mishra, R/o E.W.S. 443/497 Ratanpur Colony Panki, Pankabahadur Nagar Kanpur Nagar, Panki Gangaganj. Retired from the post of MTS from Mazdoor Union Ordinance Factory, Kanpur.
 30. Prem Chnadra, S/o Ram Bharose, E W S 252 Jarauli Phase 2, Jarauli, Barra, Kanpur Nagar. Retired from the post of Labour from Mazdoor Union Ordinance Factory, Kanpur.
 31. Jeeta Ram, S/o Sangram Singh, R/o MIG-4/303 Awas Vikas-3 Ambedkar Puram Kalyanpur Bairi, Kanpur Nagar. Retired from the post of Chargemen from Mazdoor Union 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 25.09.2021 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 representation of the applicants dated 25.09.2021 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