

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH, KOLKATA**



R.A./350/00002/2021
(M.A./350/00119/2021)
(OA. 295 of 2021)

LIBRARY

**Coram : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. N. Chatterjee, Administrative Member**

1. INDIAN ORDANCE FACTORIES
GAZETTED OFFICERS,
ASSOCIATION (IOFGOA),
RIFLE FACTORY, ISHAPORE BRANCH,
A registered Union represented by its
Secretary namely Shri Sanjay Srivastava,
Son of Shri G.P. Srivastava,
Having its branch office at Rifle Factory, Ishapore,
Post Office – Ichapur-Nawabganj,
District – 24-Parganas (North), Pin – 743144;
2. SHRI SANJAY SRIVASTAVA,
Son of Shri G.P. Srivastava,
Aged about 48 years,
Residing at Harijinder Road, Garulia,
District – 24-Parganas (North),
Pin – 743133 and working as Junior
Works Manager in the Rifle Factory, Ishapore,
Post Office – Ichapur-Nawabganj,
District – 24-Parganas (North), Pin – 743144.
3. SHRI JOYJIT SEN,
Son of Late P.C. Sen,
Aged about 50 years,
Being Joint Secretary of this Association
Residing at 9, H.D. Pal Street,
P.O. – Ichapur- Nawabganj,
District – 24-Parganas and working as Junior
Works Manager in the Rifle Factory, Ishapore,
Post Office – Ichapur- Nawabganj,
District – 24-Parganas (North), Pin – 743144.
4. SHRI RABINDRA NATH BISWAS,
Son of M.K. Biswas,
Aged about 54 years,
Being Executive Member of this Association
Residing at 15, East Talbagan Road,

P.O. Nonachandanpukur, Barrackpore,
 District – 24-Parganas (North), Pin – 700122
 and working as Junior
 Works Manager in the Rifle Factory, Ishapore,
 Post Office – Ichapur- Nawabganj,
 District – 24-Parganas (North), Pin – 743144.

5. SHRI TANMOY MARICK,
 Son of Sri Dipankar Marick,
 Aged about 37 years,
 Being Executive Member of this Association
 Residing at Sasthitala,
 P.O. Ichapur-Nawabganj,
 District – 24-Parganas (North), Pin – 743144
 and working as Junior Works Manager
 in the Rifle Factory, Ishapore,
 Post Office – Ichapur- Nawabganj,
 District – 24-Parganas (North), Pin – 743144.
6. SHRI MANMOHAN CHOUDHARY,
 Son of Late Jagroop Chaudhary,
 Aged about 42 years,
 Being Executive Member of this Association
 Residing at Pinkal, Sondha Tank Road Bye-Lane,
 P.O. Garulia,
 District – 24-Parganas, Pin – 743133
 and working as Junior Works Manager
 in the Rifle Factory, Ishapore,
 Post Office – Ichapur- Nawabganj,
 District – 24-Parganas (North), Pin – 743144.

..... Applicants.

-Versus-

1. UNION OF INDIA
 Service through the Secretary,
 Ministry of Defence (Defence and Production),
 Government of India,
 South Block,
 New Delhi – 110001.
2. THE CONTROLLER GENERAL OF DEFENCE ACCOUNTS,
 Ministry of Defence,
 Having its office at Ulan Batar Road,
 Palam Colony, Delhi Cantonment,
 New Delhi – 110010.



3. THE DIRECTOR GENERAL OF ORDNANCE FACTORIES AND THE CHAIRMAN, Ordnance Factory Board, Government of India, Ministry of Defence, Having her office at 10A, Shaheed Khudiram Bose Road, Calcutta – 700001.
4. THE PRINCIPAL CONTROLLER OF ACCOUNTS (Fys), Ministry of Defence, Having her office at 10A, Shaheed Khudiram Bose Road, Calcutta – 700001;
5. THE GENERAL MANAGER, Rifle Factory, Ishapore, Post Office – Ichapur-Nawabganj, District – 24-Parganas (North), Pin – 743144.

.....Respondents.

For the applicant : Mr. P.C. Das, Counsel
 Ms. T. Maity, Counsel

For the respondents : Mr. S. Paul, Counsel

Date of Order : 23.7.2021

ORDER

Per : Bidisha Banerjee, Judicial Member

Ld. Counsels were heard.

2. This application for review of the order dated 15.03.2021 has been preferred on the following grounds:

"On 11.03.2021 the three matters has been disposed of by this Hon'ble Tribunal by the same Division Bench where Mr. Paul has appeared and this Hon'ble Tribunal disposed of the said matter by granting benefit of judgment and order dated 11.11.2020 in OA No. 350/705/2020 and in the operative part of the said order, it has not been directed that dues shall be released after the passing of the order by the Hon'ble Supreme Court in SLP Nos. 12845-12852/2012.



Where as in the present O.A. this Hon'ble Tribunal says that dues shall be released after the decision of the Hon'ble Supreme Courts' cases. Therefore, these present applicants pray before this Hon'ble Tribunal to review and/or modify the order dated 15.03.2021 to the effect by directing upon the respondents to release the dues within a stipulated time subject to outcome of the SLP No. 12845-12852/2012 by modifying the paragraph 6 of the order dated 15.03.2021 in OA No. 350/295/2021 and MA No. 350/119/2021."

3. Ld. Counsel Mr. S. Paul admitted that in identical matters dues have been directed to be paid subject to outcome of SLP and not after the disposal of SLP.

4. To bring parity in the relief granted in these applications the order dated 15.03.2021 shall be modified on par with order dated 11.03.2021 to the extent that para 6 of the order in O.A. 295 of 2021 will read as:

"6. Accordingly, this O.A. is disposed of directing Ld. Counsel for the respondents to hand over a copy of proforma affidavit to the Ld. Counsel for the applicant within a week, which shall be filled up by the applicants duly endorsing from 1st Class Magistrate or Notary and shall be submitted within a period of four weeks therefrom. Thereafter, the respondents shall consider applicants' case in the light of the order passed by the Principal Bench as well as Hyderabad Bench of this Tribunal for releasing dues from the admissible dates in terms of the decision and, if found eligible, release the dues positively by 2 months thereafter, subject to outcome of the SLP No. 12845 to 12852 of 2012."

5. Corrected copies be handed over to the parties.

6. R.A. is accordingly allowed.



(Dr. N. Chatterjee)
Administrative Member



(Bidisha Banerjee)
Judicial Member

drh