No.OA 560 of 97   Date of order : 13.12.2004

Present : Hon'ble Mr.Mukesh Kumar Gupta, Judicial Member
         Hon'ble Mr.M.K.Mishra, Administrative Member

P. K. SARKAR & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : None

For the respondents : Mr.M.S.Banerjee, counsel
                      Mr.B.K.Chatterjee, counsel

O R D E R   (ORAL)

Mukesh Kumar Gupta, J.M.

        None appears for the applicants.   Notice dated 15.9.04 was

issued to the applicant requesting him to engage a counsel to argue

his case as his previous counsel has expired during the pendency of

this case or to appear in person to argue.   Since none appears for the

applicants today, we perused the OA and decide to proceed with the

case under Rule 15(1) of CAT (Procedure) Rules, 1987 as this is an old
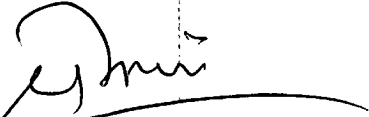
matter of 1997.

2.   One of the prayers in the present application is to direct the

respondents to give them benefits of Overtime Allowance on the basis

of revised scales of pay w.e.f. 1.1.86 and to extend the benefits of

judgment and order dated 24.6.96 passed in OA 579/88 with all

consequential benefits.

3.   Ld.counsel for the respondents pointed out that based on order

dated 24.6.96 passed in OA 579/88 another order dated 17.6.99 was

passed in OA 360/97 by this Tribunal whereby the benefits of the

earlier judgment was extended in the latter. Without going into the

further details of the matter, we as a co-ordinate Bench, are bound by

the order and judgment passed by the Bench of equal strength. It is

stated by the ld.counsel that the order dated 17.6.99 in OA 360/97 has

been stayed by the High Court, Calcutta in WPCT No.972/2001 vide order

dated 19.3.02, and therefore the present application be disposed of in

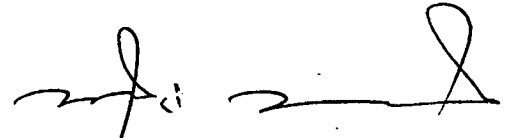terms of the above order.

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4.   Following the aforesaid judgment, we dispose of the present application and make it clear that in case the High Court dismiss the aforesaid Writ Petition, the applicants will be entitled to Overtime Allowance as prayed for.

5.   Accordingly the OA is disposed of. No order as to costs.

MEMBER(A)   MEMBER(J)

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