

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 450 1993.

DATE OF DECISION 16.3.93

T. V. Prakasan and others Applicant (s)

Mr. K. Shrihari Rao Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)
Secretary, M/O Defence, New Delhi and others

Mr. C. N. Radhakrishnan, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. R. RANGARAJAN ADMINISTRATIVE MEMBER

~~1. The Hon'ble Mr.~~

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

MR. R. RANGARAJAN ADMINISTRATIVE MEMBER

The applicants numbering thirty one presently working as Pump House Operators in the office of the Assistant Garrison Engineer No.1, have approached the Tribunal with the prayer to declare that they are entitled to get night duty allowance w.e.f. 1.1.1986.

2. Night Duty Allowance was granted to certain categories of staff as per the Recommendations of the Fourth Pay Commission and the employees who perform night duty as per the orders of the Deptt. of Personnel and Training were granted night duty allowance in terms of Annexure A-1 dated 15.3.90. Subsequently, some more categories of staff were also brought under the eligibility

group for granting night duty allowance in terms of Annexure A-3 dated 25.6.92. The category of Pump House Operators also figure in the Ministry of Defence letter enclosed as Annexure A-3(2) to Annexure A-3.

2. The learned counsel for applicant submitted that the Defence authorities are going to pay them night duty allowance only w.e.f. 25.6.92 in terms of the message at Annexure A-4. He further submitted that certain categories of staff namely Safaiwala/Safaiwali/Sweeper employed in Hospitals/Sick Bays (Extended Hospitals) were being paid night duty allowance w.e.f. 1.1.1986 though they were ^{also} included in the list Annexure A-3. In view of this, the learned counsel for applicant submitted that this category of staff namely Pump House Operators should also be granted night duty allowance from 1.1.1986 instead of 25.6.92.

3. In this connection, applicant No. 1 in this application namely Shri T. V. Prakasan has submitted a representation to respondent No. 5 requesting that the benefit of night duty allowance may be granted to him w.e.f. 1.1.1986 instead of 25.6.92. Learned counsel for the applicants submitted that similar representations were also submitted by other applicants to the Respondent No. 5. It is further submitted that the application submitted by the applicant No. 1, copy of which is Annexure A-5, has been forwarded to the second respondent namely, the Engineer-in-Chief, Army Headquarters, New Delhi.

4. The learned counsel for respondents have no objection if the O.A. is disposed of at the admission stage itself with a direction to the respondents No. 2 and 5 to dispose of Annexure A-5 and other similar representations, suitably taking note of the submissions made by the learned counsel for applicant in this connection.

5. Accordingly, I admit the application and dispose of it directing the respondents No. 2 and 5 to dispose of

Annexure A-5 and other similar representations received from the applicants taking note of the submissions made by the learned counsel for the applicant. The above direction shall be complied with within a period of four months from the date of receipt of a copy of this judgment. The O.A. is disposed of on the above lines.

6. There shall be no order as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER
16.3.93

kmm