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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. No. 919/88

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TxxxNo.

DATE OF DECISION 1-1-1992

N K Londhe and

RxxGxxax&

ISP Mazdoor Sangh

Petitioner

SHRI D V GANGAL

Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ANOTHER

Respondent

SHRI P M PRADHAN

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice U C Srivastava, Vice Chairman

The Hon'ble Mr. M Y Prakar, Member (A)

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. Whether it needs to be circulated to other Benches of the Tribunal? ✓

(OJ)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESOT ROAD, BOMBAY-400001

OA No.919/88

India Security Press
Mazdoor Sangh & N K Londhe
C/o. D D Gundale
"Sawali" Sane Guruji Nagar
Jail Road
Nashik Road 422101

..Applicant

v.

1. Union of India
through Secretary
Ministry of Finance
Department of Economic Affairs
New Delhi

2. The General Manager
India Security Press
Nashik Road 422101

..Respondents

CORAM: Hon. Shri Justice U C Srivastava, V.C.
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE

Shri D V Gangal
Advocate
for the applicants

Shri P M Pradhan
Counsel
for the respondents

ORAL JUDGMENT:
(PER: U C Srivastava, Vice Chairman)

DATED: 1.1.1992

The applicant and the representatives of India Security Press Mazdoor Sangh have approached this Tribunal praying that the affected employees are entitled to pay scales of Class IV employees/Industrial workers and should be paid difference between the pay scale plus allowances and be granted Over Time Allowance also on such high ^{er} scale of pay, and the affected employees be paid arrears of pay, & O T allowances.

The applicants started working from the 1973 & year/1974 as casual labourers in the India Security Press but have not worked continuously throughout the year or even 240 days in a particular year. Subsequently they were regularised in various years.

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The applicants were performing the same duties which were performed by the regular employees such as packing, loading etc., and they were claiming the equal pay for equal work at par with the regular employees. So far as the grievance is concerned after their regularisation though they were paid equal wages at par with the regular employees, they were not paid them entitled Over Time Allowance at regular scale.

The respondents resisted the claim of the applicants stating that whenever the over time work was taken from these persons they were paid over time allowance in accordance with the rules, while according to the applicants that over time payment was made to them only on the basis of daily wages which was given to the casual labour and not based on the scale of regular employees. There appears to be some dispute regarding the payment of over time allowance. According to the respondents they have made the payment ~~are~~ whenever they worked in accordance with the rules. This word appears to be very vague. Obviously it appears that despite they being regularised the applicants were not paid full over time allowance.

The applicants were regularised in various years beginning from 1973 onwards. The grievance of the applicants is that they were entitled for equal pay as regular employees are entitled doing the same work. This contention appears to be correct.

Accordingly the respondents are directed to pay them in the same pay scale which was paid to the regular employees in the India Security Press, if they have not already done so. The other dispute which has been raised by the applicants is that they are entitled to the over time allowances for the period they have worked extra hours at par with the regular employees. The respondents have stated that

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the employees were paid over time allowance in accordance with the rules meaning thereby that the employees were not deprived of the over time allowance. According to the applicants although they have worked for three months or four months in a year they are entitled to the over time allowance at the same rate as per the regular employees. The over time allowance claim prior to the period of 3 years before filing this application is barred by limitation and we cannot allow this relief.

Accordingly we direct that the respondents shall pay to all the entitled applicants over time allowance based on regular pay with effect from the period of three years from the date of presentation of this application i.e., with effect from 8.12.1985. This should be done within four months from the date of communication of this order. The application is disposed of with the above directions with no order as to costs.



(M Y PRIYOKAR)
MEMBER (A)



(U C SRIVASTAVA)
VICE CHAIRMAN