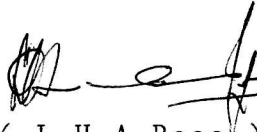



included earlier wrongly in the ordinary
rate of wages while effecting ^{the} ~~the~~ ^{reversal of} overtime
wages. ¹

- 4) Parties to bear their own costs of this application.


(L H A Rego)
Member (A)


(B C Gadgil)
Vice Chairman

in Transferred Application No.608/86. The Madras Bench has given a judgment dated 19.12.1986 and it has discussed the matter in the following words.

" Coming to the third issue relating to exclusion of interim relief, we see no reason why it should be excluded. This payment has been made at prescribed rates based on Govt. sanction, pending receipt of Report of the Fourth Pay Commission and Govt.'s decisions thereof. It is now seen that this interim relief has got merged in the revised scales of pay with effect from 1.1.1986. The learned counsel of the applicant had pointed out that similar interim reliefs given during the pendency of the Third Pay Commission had been included for the purpose of calculating overtime wages. we are of the view that the exclusion of interim relief for the purpose of reckoning overtime wages payable to piece rate workers under the Factories Act is illegal."

3. We entirely agree with the above mentioned judgment. Though Mr. Desai wanted to urge to the contrary it is not possible for us to accept his submissions in that respect. Thus we follow the decision of the Madras Bench and pass the following order.

ORDER

- 1) The application succeeds.
- 2) The respondents are directed to ensure that interim relief granted in 1983 and 1985 form part of the ordinary rate of wages, while determining the overtime wages payable to the concerned eligible employees of the said Factory.
- 3) The respondents are restrained from effecting any recovery of the overtime wages on the ground that such interim relief has been

BLR

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400614

O.A. No. 292/86

Mr. M K Subhashchandran
General Secretary
Ordnance Employees Union
J-62/8 Ordnance Estate
PO. Ambarnath 421502

Applicant

V/s.

1. The Union of India
through the General Manager
Machine Tool Prototype Factory
Ambarnath

Respondent

Coram: Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) L H A Rego

Appearance:

Mr. P T Abraham
Advocate
for the applicant

Mr. J D Desai
(for Mr. M I Sethna)
Advocate
for the respondent

JUDGMENT

Dated : 17.11.1987

(Per: B C Gadgil, Vice Chairman)

The General Secretary of the Ordnance Employees Union, Ambarnath has filed this application for and on behalf of the concerned employees of the Machine Tool Prototype Factory, Ambarnath, challenging the decision of the Government not to include the interim relief granted in 1983 and 1985 while calculating the overtime wages. The contention of the applicant is that the said interim relief constitutes part of the ordinary rate of wages and as such the overtime wages have to be calculated after taking into account all the wages including interim relief. The respondents resisted the claim by contending that the Government has taken a decision not to include this interim relief in the ordinary rate of wages for determining the overtime wages and that this decision is legal and proper.

2. The controversy in question also arose before the Madras Bench of the Central Administrative Tribunal

BCH