

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
New Bombay Bench
CIRCUIT SITTING AT NAGPUR

(4)

O.A.87/91

1. Ayudh Nirmani Mazdoor Sangh
Ambajhari Defence Project,
C/o.Shri D.S.Dahake
R/o.Quarter No.7/46/1 Type-II,
Ordnance Factory, Ambazari
Nagpur

2. Shri R.R.Palendurkar,
President,
Ayudh Nirmani Mazdoor Sang,
R/o.Quarter No.5/29/6,
Type - II,
Ambajhari Ordnance Factory,
Nagpur.

.. Applicants

vs.

1. The General Manager,
Ordnance Factory,
Ambajhari
Nagpur - 440 021.

2. Chairman,
Ordnance Factory Board,
10-A,Auckland Road,
Calcutta - 700 001.

3. The Secretary,
Union of India,
Ministry of Defence,
Department of Defence Production,
New Delhi.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava
Vice-Chairman

Hon'ble Shri P.S.Chaudhuri,
Member(A)

Appearances:

1. Mr.P.S.Sadavarte
Advocate for the
Applicant.

2. Mr.Ramesh Darda
Advocate for the
Respondents.

ORAL JUDGMENT:
{Per P.S.Chaudhuri, Member(A)}

Date: 10-7-1991

This application under Section 19
of the Administrative Tribunals Act,1985 was
filed on 26-2-1991. In it the applicants who are
employees of the Ordnance Factory,Ambajhari seek
a direction to include the interim relief sanctioned
under the Ministry of Defence's O.MsNo.5(8)83/D
(Civ-I) dated 5.8.1983 and 4(1)/85/D(Civ-I) dated
2.5.1985 while computing the ordinary rate of

wages for determining the payment in respect of the overtime work done between the working hours notified

2. We have heard Mr.P.S.Sadavarte, learned counsel for the applicant and Mr.Ramesh Darda, learned counsel for the respondents. As the facts are not in dispute and the issues have already been adjudicated upon, we have proceeded to hear and decide this case.

3. This very issue has ^lalready been raised before this Tribunal at least twice. On the first occasion in O.A.251/88 which was decided on 4.1.1989 by one of us (Shri P.S. Chaudhuri, A.M) sitting as a Single Member ^a similar prayer was allowed. The respondents in that application had thereafter filed SLP 5851/89 in the Supreme Court but this was dismissed on 18.12.1989. Again in O.As.59, 258 and 331/88 which was also decided by the ^{New Bombay} Bench on 10-6-1990 the same view was taken. As the facts and circumstances in all these cases are identical, we propose ~~to~~ passing ~~the~~ a similar order in this case *also*.

4. We accordingly order that the respondents shall include the interim relief sanctioned under the Ministry of Defence's O.M.s No.5(8)83/D(Civ-I) dated 5.8.1983 and 4(1)/85/D (Civ-I) dated 2.5.1985 while computing the ordinary rate of wages for determining the payment in respect of the overtime work done between the working hours notified in terms of Section 61(1) of the Factories Act, and the limit of nine hours in any day and/or 48 hours in any week

(1)

prescribed in Section 59(1) of the said Act.

5. In the circumstances of the case,,
there will be no order as to costs.



(P.S. CHAUDHURI)
Member(A)



(U.C. SRIVASTAVA)
Vice-Chairman