

CENTRAL ADMINISTRATIVE TRIBUNAL,

MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO:364/91.

DATED THIS 21ST DAY OF JUNE, 1999.

HON'BLE MR.JUSTICE K.M.AGARWAL, CHAIRMAN.

HON'BLE MR.R.K.AHOJA, MEMBER(A).

1. Baban Baburao Kawade,
presently working as
Laboratory Assistant in the Assay Dept.
R/o. Quarter No.2/70,
Mint Colony, Sahibaba Marg,
Parel, Bombay - 400 012.

2. Sudhakar Sahadeo Sawant
presently working as
Deputy Accountant in the
Office of the General Manager,
India Government Mint,
Bombay
residing at
3C, Uttung Samant Wadi,
Sonawala Lane,
Goregaon, Bombay - 400 068
and 557 Others.

... Applicant.

By Advocate Shri Suresh Kumar.

v/s.

1. The Union of India through
the Secretary,
Ministry of Finance,
Department of Economic Affairs,
South Block,
New Delhi.

2. The General Manager,
India Government Mint,
Shahid Bagat Singh Marg,
Bombay - 400 038.

... Respondents.

By Advocate Shri V.D.Vadhavkar for
Shri M.I.Sethna.

ORDER(ORAL)

JUSTICE K.M.AGARWAL:

By this O.A., the applicants have sought a direction to the respondents to extend the same benefit as was granted to the applicants in O.A. No.13/87(Calcutta Bench), Annexure A-4 at page-58, NIRMAN CHANDRA BHOWMIC & ORS. Vs. UNION OF INDIA & ORS. - decided on 1.9.1989 by the Calcutta Bench of this Tribunal in the matter of overtime payment.

Jm 2.

It does not appear necessary to detail the

facts in this particular case, because the learned counsel for the parties fairly conceded that the matter was set at rest by the Supreme Court in UNION OF INDIA & ORS. vs. SURESH C. BASKEY & ORS. ETC. ETC., 1996(1) S.C. S.L.J.200. By this judgement, the Supreme Court was pleased to reverse the order passed by the Calcutta Bench of this Tribunal by holding that the advantages derived by employees who were occupying Government accommodation and those who were not occupying the Government accommodation were different and not comparable and accordingly parity in payment of overtime including the element of H.R.A. could not be claimed by the employees in occupation of Government accommodation with those employees who were getting H.R.A. However, the learned counsel for the applicants drew our attention to paragraph 13 of the judgement of the Supreme Court where certain comparisons between employees in occupation of Government accommodation and those in occupation of private accommodation have been given. With reference to items at Sls.3, 4 and 5, it was pointed out that the employees in the present case were not in the vicinity of Mint; therefore they had to incur expenditure on transport and take some time to reach Mint. Accordingly if these facts are taken into account, the applicants may be entitled to overtime at par with that paid to employees in occupation of private accommodation. We are of the view that the comparison is only academic and does not give any recognition in favour of the employees who were living in Government accommodation at certain distance from the Mint.

3. In the result and in view of the aforesaid decision of Supreme Court in UNION OF INDIA & ORS. vs. SURESH C. BASKEY & ORS. ETC. ETC. (Supra), this O.A. deserves to be dismissed and accordingly it is hereby dismissed but without any order as to costs.


(R. K. AHUJA)
MEMBER (A)


(K. M. AGARWAL)
CHAIRMAN