

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, "GULESTAN" BUILDING NO.6
PRESCOT ROAD, BOMBAY 1.

R.P.No. 66/95 in OA No.834/94

and

R.P.No. 68/95 in OA No. 938/94

UOI through Secretary Min. of

Finance & another ..Petitioners

V/s

P R Chandratre & ors. ..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.

TRIBUNAL'S ORDER:

Dated: 31-7-95

(Per: M.S. Deshpande, Vice Chairman)

By these Review Petitions an identical reliefs of review is sought, by the original respondents, of the judgment dated November 21, 1994 on the ground that many of the employees who are covered by this judgment fall within the supervisory category and they should not be considered as workers within the meaning of Section 59(1) of Factories Act and they will not be entitled to get any payment. An application for condonation of delay was also filed. Even if the delay is condoned it is apparent that the review applicants had not filed replies contesting the Original Applications in spite of two opportunities granted to file the reply.

2. Since the factual position in the Review Petitions is identical, reference need be made only to the record of R.P.No. 66/95. On 21.11.94 the Tribunal noted that the reply of

the respondents was not filed and that there was no denial of the factual position which had been averred by the application and that an identical matter was decided in favour of the employees by the Tribunal and the Supreme Court upheld the decision of the Tribunal, the question whether the employees would be covered by the provisions of S.59(1) of the Factories Act and whether they would be entitled for the benefit under S.59(1) thereof was considered by a Division Bench of this Tribunal in ASHOK PANDHARINATH PADWAL & Ors. Vs. UNION OF INDIA & Ors., O.A.No.761/88 decided on 6.1.93 and it was held that even though some of the applicants were Supervisors they were performing manual work and so the respondents were not entitled to the benefit of Rule 100 framed by the Government of Maharashtra with reference to provisions of Section 64(1) of Factories Act. It was also pointed out that the distinction which was sought to be made on the basis of the pay drawn by the supervisors upto Rs.2200 and those who drew above Rs.2200 was not countenanced by Section 59(1) and Section 64 read with Rule 100 of the Maharashtra Rules.

3. The respondents were not diligent in filing a reply and didnot question the position

that the factual position in the present case was not identical ^{with} to the one given in the judgment referred to. Since the entire position has been considered earlier the Review Petitions cannot be entertained and are dismissed as no ground for review has been made out.


(M.S. Deshpande)

Vice Chairman