

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 1444/95, 29/96, 202/96

Transfer Application No.

Date of Decision

25/8/96

S.D.Gumbade & Ors.

Petitioner/s

Shri G.K.Masand

Advocate for
the Petitioners

Versus

Union of India & Ors.

Respondent/s

Shri J.P.Deodhar

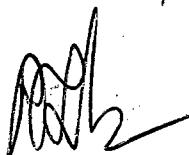
Advocate for
the Respondents

CORAM :

Hon'ble Shri. P.P.Srivastava, Member (A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to other Benches of the Tribunal ?


(P.P.SRIVASTAVA)
MEMBER (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

OA.Nos. 1444/95, 29/96, 202/96

25th this the 25th day of July 1996

CORAM: Hon'ble Shri P.P.Srivastava, Member (A)

1. S.D.Gumbade
residing at I.S.P.
Staff Quarter NO.E-45,
Nasik Road.
2. K.G.Shinde
residing at Jamuna
Sangam Housing Society,
Jail Road, Flat No. 9,
Nasik Road.
3. S.G.Talekar
residing at Vir-Savarkar Nagar
Jail Road, Nasik Road.
4. R.R.Lilke
residing at I.S.P.Staff
Quarter F-6, Nasik Road.
5. U.D.Vasave
residing at I.S.P.Staff
Quarter, F-44, Nasik Road.
6. T.N.Adke
residing at Ganesh Nagar,
Dasak, Nasik Road.
7. A.B.Vyawahare
residing at "Yashoda"
Nisargadath Nagar, Jagtap
Mala, Behind Bytco College,
Nasik Road.
8. S.K.Kanade
residing at Akash Darhsan
Housing Society, Pakhal Rd.
Nagaji Hospital Near, Nasik.
9. V.M.Kamble
residing at I.S.P.Staff
Quarter No. F-9, Nasik Road.
10. S.B.Pandharkar
residing at 1, Dhiraj Housing
Society, Jail Road, Nasik Road.
11. A.A.Tarte
residing at 9 Shubham
Karoti, Mayur Society,
Canel Road, Jail Road,
Nasik Road.
12. R.S.Avhad
residing at 'Nandadeep'
Sahadri Housing Society,
Jail Road, Nasik Road.
13. K.P.Gaikwad
residing at I.S.P.Staff
Quarter, D-10, Nasik Road.
14. B.N.Ghadke
residing at 7, Anagh-A
Society, Chide Mala, Nadik road.

OMH

15. A.M.Pawar
residing at Near Shivaji
Nagar Bus Stop, Jail Rd.
Nasik Road.

16. D.M.Ghadge
residing at Upnagar
Block No.4, Room No. 10
Nasik-6

17. P.D.Sole
residing at 10, Bhagwati
Hsg. Socy. Asha Nagar,
Behind Hotel Pavan,
Nasik Road.

18. S.M.Balak
residing at 4236,
Behind Kala Ram Temple,
Garge Wada, Panchavati,
Nasik.

19. S.G.Datta
residing at Suryashakti
Bldg. Behind Bytco College,
Chavan Mala, Nadik Road.

20. P.G.Dharmadhikari
residing at 'Duruankar'
2/A, Jai Durga Housing Socy.
Jagtap Mala, Nasik Road.

21. S.Y.Jachak
residing at Sadguru Nagar,
Behind Narhari Nagar,
Nasik Road.

22. M.S.Lokhande
residing at Dr. Ambedkar Nagar,
Nasik. 6.

23. V.K.Avad
residing at Mahatma
Gandhi Hsg. Socy.
Shikare Wadi, Nasik Rd.

24. V.S.Gaidhani
residing at 1723, Somwar
Peth, Gulalwadi, Nasik.

25. P.K.Kadam
residing at Lal Banglow
Staff Quarter, Room No. 3,
Nehru Nagar, Nasik Road.

... Applicants in OA.
No.1444/95

1. Y.R.Ghoderao
residing at Flat No. 5,
Imashut Appartments,
Nehru Nagar, Nasik.

2. Dhirubhai Sindhav
residing at D-16, ISP
Estate, Nasik Road.

3. Govind Krishna
residing at Flat No. 12
Sanjeevani Apartment,
Pendharkar Colony, Jail Rd.
Nasik Road.



4. K.A.Antony
residing at Staff Quarter
No.F-18, ISP Estate, Nasik Rd.
5. Hoshiar Singh,
residing at Jyot Niwas,
Jachakmala, Jai Bhawani Rd.
Nasik Road.
6. S.N.Gajbe
residing at Type-III
Quarter No. 1609,
Nehru Nagar, Nasik Rd.
7. R.K.adikary
residing at Type-III
Quarter No. 1622,
Nehrunagar, Nasik Rd.
8. S.G.Pagare
residing at Type-E-17,
ISP Staff Quarters,
Nasik Road.

... Applicants in OA.
No.29/96

1. Madhav Chandrabhan Vidhate
residing at H.No.186-A, Vidhate
Lane, Trambak Road, Satpur
Nasik.
2. Shekhar Sharadchandra Koranne
residing at Flat No. 11,
Prasad Bhavan, Brahmagiri Hsg.Socy.
Jail Road, Nasik Rd.
3. Ravindra Gopinath Patil
residing at 612 Flat No. 11,
2nd floor, Raviwar Peth, Nasik
4. Sunil Kumar Kewalchand Rameteke
residing at Type 'C' Quarter No.
1227, Nehru Nagar, Nasik Rd.
5. Vishnuprasad Mohanlal Raikwar
residing at Type III, Quarter No.
1614 New Nehru Nagar, Nasik Rd.
6. Krishna Kumar Yadav
residing at 5, Devsmruti Socy.
Anand Nagar, Jagtap Mala,
Nasik Road.

... Applicants in
OA.NO. 202/96

By Advocate Shri G.K.Masand

v/s.

1. Union of India
through the Secretary in the
Ministry of Finance, North Block,
New Delhi.
2. General Manager
Currency Note Press,
Nasik Road, Nasik.

By Advocate Shri J.P.Deodhar
Central Govt. Standing Counsel

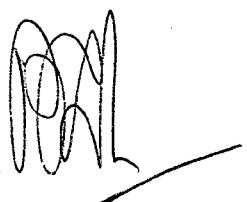
... Respondents

O R D E R

(Per^s Shri P.P.Srivastava, Member (A)

The Three OAs. 1444/95, 29/96, 202/96 have a common question of law to be decided and therefore have been heard together and a common order is being passed. Although, the individual details of the applicants may differ concerning their designation etc., the common question raised in all the three OAs. is concerned with payment of overtime allowance to the applicants. The key issue to be decided in these cases is whether the overtime would be payable to the applicants without restricting the same to the basic pay of the employees. In this connection, the issue was already decided by this Tribunal in OA.NO. 63/95 by their order dated 18.12.1995. It is also brought out that the judgement of the Tribunal has been upheld by the Supreme Court. In view of the position brought out above, and since the present OAs. are also covered by the judgement already passed, I have no hesitation in allowing the OAs. and pass the following order:-

OA.NOs.1444/95, 29/96, 202/96 are allowed. The respondents are directed to make payment of the overtime allowance to the applicants at double the rate whenever they perform duties in excess of 48 hours per week in accordance with the provisions of Section 59(1) of the Factories Act, without restricting the same either to basic pay



of employees concerned or otherwise. The respondents are also directed to pay arrears of overtime to the applicants if they have performed the overtime during the period of three years preceding the filing of the OAs. The respondents are at liberty to adjust any honorarium paid to the applicants during the said period. There will be no order as to costs.



(P.P. SRIVASTAVA)
MEMBER (A)

mrj.