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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

OA.376/92

dated : 20-3-95

Between

1. A.K. Misra
2. KAN Rao Patnaik
3. SB Chakraborty
4. S. Ahmed
5. M. Trimurthy Raju
6. R. Rajarao
7. Kondiah
8. Nagendra Kumar
9. T. Appalaraju
10. BD Prasad
11. KV Jagannathan
12. B. Surayya
13. J. Manababu
14. A. Apparao
15. P. Rama Rao
16. Ch. R.K. Mohan
17. P. Appa Rao
18. GLachaiah
19. KR Prasad
20. VS Telang
21. Joseph Pitt
22. SN Das
23. G Narayana
24. B. Brahmajirao
25. A. Srinivasarao
26. S. Padma Rao
27. Joy Thannichkal
28. PL Kurrewar
29. VV Ratnachari
30. A Sundera Rao
31. P Gurumurthy

: Applicants

and

1. Union of India, rep. by
Secretary Min. of Defence
Defence Headquarters
PO New Delhi 110011

2. The Chief of Naval staff
Naval Headquarters
New Delhi

3. The Financial Advisor
Min. of Finance (Defence)
Govt. of India
New Delhi 110011

4. Flag Officer
Commanding-in-Chief
HQ Eastern Naval Command
Visakhapatnam 530014

5. The Admiral Suptdt.
Naval Dockyard
Visakhapatnam 530014

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6. Dy. General Manager (Pers)
Naval Dockyard
Visakhapatnam 530014

: Respondents

Counsel for the applicants

: G. Ramachandra Rao
Advocate

Counsel for the respondents

: N.R. Devaraj, SC for Defence

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. A.B. GORTHI, MEMBER (ADMN.)

DA.376/92

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri G. Ramachandra Rao, learned counsel for the applicants and Sri N.R. Devaraj, learned counsel for the respondents.

2. The thirty one applicants are working in the Russian Translation and Reproduction Cell (RTC) in the Naval Dockyard Visakhapatnam. This OA was filed seeking direction to the respondents to include :

- i) The Russian Translation and Reproduction Cell be included in item II of Annexure I of Department of Defence, Ministry of Defence letter No.26(1)80/D(JCM) dated 28-9-1983 as a supporting unit of the Naval Dockyard Visakhapatnam, and
- ii) For payment of Productivity Linked Bonus to the Civilian employees of the Russian Translation and Reproduction Cell from the date of the scheme is introduced i.e. 1-4-1979 onwards and;
- iii) Pay the difference between the Productivity Linked Bonus and the adhoc Bonus already paid with interest at 18% till the difference of amounts is paid.

3. The productivity linked bonus was initially granted ^{wages} ~~on~~ adhoc basis at the rate of 15 days/per each year from 1979-80 to 81-82 to the Civilian employees of Naval Dockyard/Repair organisations and allied/supporting units to be decided by the Government. ~~Vide~~ the following letters

- i) 24(1)/80/D(JCM), dated 25-8-1980
- ii) 24(1)/80/D(JCM), dated 14-9-1981
- iii) 24(1)/80/D(JCM), Vol.IV, dated 8-9-1982.

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and vide OM No.24(9)80/D(JCM), dated 28-9-83 it was held that as the Productivity Linked Bonus in accordance with the formula detailed in Annexure I of OM dated 28-9-1983 was payable at the rate of 25 days wages ~~from~~ 1979-80; and 1980-81, and nil for 1981-82 and thus when productivity linked the/bonus was payable for the three years had come to 50 days wages, ~~was due~~ and as the same was paid at the rate of 15 days wages per each year on adhoc basis, it was directed as per OM dated 28-9-1983 that wages for the remaining 5 days were payable for those three years. And hence it was stated in para 4 of the OA that including the adhoc payment for 15 dyas for 1981-82, the total payment should be for 20 days wages.// In item ^{II} 2 of Annexure II of OM dated 28-9-1983, reference to the following units ~~were~~ ^{were} made :

II. NAVAL DOCKYARD, VISAKHAPATNAM & SUPPORTING UNITS:

1. Naval Dockyard, Visakhapatnam
2. Naval Stores Depot, Visakhapatnam
3. Naval Armament Depot, Visakhapatnam
4. Naval Armament Depot, Balasore
5. Command Transport Workshop, Visakhapatnam
6. Weapon Equipment Depot, Visakhapatnam
7. Base Victualling Yard, Visakhapatnam
8. Base Repair Organisation, Port Blair
9. Base Victualling Organisation, Port Blair,

The civilian employees of which are eligible for Productivity Linked Bonus (the same 9 units were referred to in item II of Annexure II of letters dated 25-8-1980, 14-8-81 and 8-9-1982 referred to supra). As RTC was not referred

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to as one of the units, in item I^I of Annexure^I, the applicants filed OA.211/89 seeking directions which are similar^I directions prayed for in this OA. That OA was disposed on 8-2-91 with a direction to R-1 to consider the representation of the civilian employees in RTC in Naval Dockyard, Visakhapatnam. They were informed that as the civilian employees have not fulfilled the following conditions :

- a) The organisation should be engaged in production, manufacture and supply of tangible material goods,
- b) Whose employees are predominantly civilians; and
- c) The bulk of those employees ought to be categorised as industrial in character.

They are not eligible for the productivity linked bonus.

Being aggrieved, they filed this OA.

4. It is stated in Annexure I in letter dated 25-8-1980, 14-9-1981 and 8-9-1982 and OM dated 28-9-1983 that it is for the Government to decide as to which of the units the scheme will be applicable. The Units in Naval Dockyard, Visakhapatnam, decided by the Government were referred to in item-~~2~~ ^{II} of Annexure II.

5. One of the points which arises for consideration is as to whether RTC in Naval Dockyard, Visakhapatnam is supporting unit for the Naval Dockyard, Visakhapatnam. The same can be decided on perusing the charter of duties of RTC and also the charter of duties of various supporting units referred to in ~~Item 2~~ ^{II} of Annexure-II. But they are not placed before this Bench nor they are referred to in the order dated 15-4-1991 communicated to the applicant (~~vide letter dated 15-4-1981~~) ^{The} for the applicants referred to the duties of RTC

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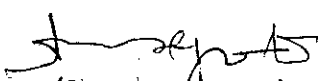
in para 2 of the OA. It is not stated therein as to whether they are used for the manufacture or production in dockyard and if so to what extent. Further it is necessary to consider as to whether the duties to be discharged by the civilian employees in RTC are even remotely connected to the production and manufacture in the Naval dockyard and if they are remotely connected, whether the same can be treated as supporting unit just as the other supporting units referred to in item II of Annexure II.


6. Hence, we are constrained to pass the following order :

R-1 has to look into the charter of duties of RTC in Naval dockyard, Visakhapatnam, and the charter of duties of each of the units referred to at Serial No.2 to 9 in item II of Annexure II of OM dated 28-9-1983, to decide as to whether RTC also can be treated as supporting unit for the purpose of payment of productivity linked bonus scheme to the civilian employees of that unit. If on that basis R-1 still holds that RTC cannot be treated as supporting unit for the purpose of above, charter of duties of RTC and connecting units referred to, if they are ^{not} held as confidential, should be enclosed as annexure to that order.

7. It is needless to say that if the applicants are aggrieved by the order to be issued by R-1 in pursuance of this order, they are free to move this Tribunal.

8. The OA is ordered accordingly. No costs. /


(A.B. Gorthi)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : March 20, 95
dictated in Open Court


Dy. Registrar (Judl)

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Copy to:-

1. Secretary, Ministry of Defence, Union of India,
Defence Headquarters, P.O. New Delhi-110 011.
2. The Chief of Naval Staff, Naval Headquarters,
New Delhi.
3. The Financial Advisor, Ministry of Finance
(Defence,) Government of India, New Delhi-110 011.
4. Flag Officer, Commanding-in-Chief, HQ
Eastern Naval Command, Visakhapatnam-530 014.
5. The Admiral Superintendent, Naval Dockyard,
Visakhapatnam-530 014.
6. ~~One copy to~~ Dy. General Manager (Pers),
Naval Dockyard, Visakhapatnam-530 014.
7. ~~One~~ one copy to Mr. G. Ramachandra Rao, Advocate,
C.A.T. Hyderabad.
8. One copy to Mr. N. R. Devaraj, S.C. for Defence, CAT, Hyderabad.
9. One copy to Library, CAT, Hyderabad.
10. One spare.

kku.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE- CHAIRMAN

AND

A. B. Gorti

THE HON'BLE MR. R. RANGARAJAN: M (ADMN)

DATED - 22 - 3 1995.

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

O.A.No. 376 ⁱⁿ 92.

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

no spare copy

