

(48)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD.

O.A.NO. 1094/92

DATE OF JUDGMENT: 27.4.95

BETWEEN:

S/Shri/Smt.  
1. E.Hanumaiah  
2. M.Sayanna  
3. G.Laxmaiah  
4. G.Satyanarayana  
5. Md. Azam  
6. Chonjilal  
7. J.Urmila  
8. D.Koushalya  
9. K.Baloji  
10. Ramalingam  
11. Ramkelhawan  
12. D.K. shavulu  
13. M.Madhusudhan Rao  
14. N.V.Brahamam  
15. M.Laxmi  
16. M.Ganesh

Applicants

AND

1. Union of India rep. by its  
Secretary,  
Ministry of Defence,  
New Delhi.  
  
2. Director, DLRL,  
Hyderabad-500005.

RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI V.Hari Haran

COUNSEL FOR THE RESPONDENTS: SHRI NV Ramana  
Ex./Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD....

O.A.NO.1094/92.

JUDGMENT

Dt:27.4.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri V.Hari Haran, learned counsel for the applicants and Shri N.V.Ramana, learned standing counsel for the respondents.

2. This OA was filed praying for declaration that the orders passed in Inter Office Note No.DLRL/OTA/413804, dated 29.7.1992 by R-2 rejecting the claim of the applicants for over time ~~at~~ wages for the period from 6.11.1973 to the date of entitlement of each of the individual employee, is illegal, arbitrary and opposed to the principles of natural justice and for consequential direction to the respondents to pay the same within a ~~in~~ time frame.

3. All these 16 applicants are working in DLRL, Hyderabad. They plead that they were directed to work on shift basis of the duration of 8 hours per day and 48 hours per week while the prescribed weekly hours for labour <sup>was</sup> only 44½ ~~max~~ per week. They claim that they are entitled to over time allowance at single rate of wages for the hours between 44½ and 48 hours and at double the rate of wages beyond 48 hours per week as held by the High Court of Calcutta.

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4. But it is pleaded for the respondents that the prescribed hours of work of DLRL are 48 hours per week and hence the applicants are not entitled to overtime wages as prayed for. They are also relying upon the judgment of this Bench in OA 956/89 decided on 17.9.1991. It was held therein that as the hours of work for DMRL are 48 hours per week, the question of payment of over time wages for the work upto 48 hours per week does not arise.

5. It is not in controversy that the High Court of Calcutta held in the case relied upon for the applicants that as the prescribed hours of work of the concerned establishment were  $44\frac{1}{2}$  per week, the employees therein ~~shall be~~ <sup>are</sup> entitled to over time allowance if they are asked to work for more than  $44\frac{1}{2}$  per week. Hence it has to be stated that the said decision is not applicable when the prescribed hours are 48 per week and if employees work for only 48 hours per week.

6. When it is pleaded for the respondents that the prescribed hours of work for their establishment are 48 per week, though number of adjournments were obtained, no document is produced for the applicants to establish ~~as~~ that the hours of work for DLRL are  $44\frac{1}{2}$  per week. Hence, there is nothing to dis-believe

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the contention for the respondents that the prescribed hours for their establishment are 48 hours per week. When as the prescribed hours per week for the respondents establishment are 48 hours and when even according to the applicants they worked for only 48 hours per week, the question of payment of over time wages for any period does not arise.

7. Accordingly, this OA fails and hence it is dismissed. No costs./

*on*  
(R.RANGARAJAN)  
MEMBER (ADMN.)

*Wentra*  
(V.NEELADRI RAO)  
VICE CHAIRMAN

DATED: 27th April, 1995.  
Open court dictation.

*Amogh*  
Deputy Registrar (J)CC

To vsn

1. The Secretary, Union of India, Ministry of Defence, New Delhi.
2. The Director, DLRL, Hyderabad-5.
3. One copy to Mr.V.Hari Haran, Advocate, 1-1-336/35, Viveknagar, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

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

AND

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

DATED - 27-4-1995.

ORDER/JUDGMENT:

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

O.A. No. 1094 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. 899  
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