

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

R.A.No. 100/94

in O.A.967/93

Dt.of order:08.12.1994

Between

- 1.P.Shankar Rao
- 2.K.Sham Rao
- 3.M.S.Mallesha
- 4.R.Sidda Goud
- 5.M.Mogleshwar Rao
- 6.Abdul Qudduss
- 7.Darbar Singh Gill
- 8.N.Chandrasekhar
- 9.G.Ramudu
- 10.S.Narsing Rao
- 11.Shiv Ram
- 12.K.Narsing Rao
- 13.D.Satyanarayana
- 14.C.P.K.Ravichandran
- 15.Koka Harish
- 16.S.Bala Prabhakar Rao
- 17.S.Narsimloo
- 18.A.K.Chanda
- 19.P.J.Wesley
- 20.N.Nageshwar Rao
- 21.T.H.Munnaiah
- 22.C.Anjaiah
- 24.B.Jangaiah
- 25.Raja Ram
- 26.K.Samba Murthy
- 27.Akram Khan
- 28.L.Narayana
- 29.M.Narayan Swamy
- 30.M.Bhaskar Rao
- 31.V.Narasimha

.. Petitioners/Applicants

and

1. Director General, D.R.D.O.
and Scientific Adviser
Min. of Defence, South Block
New Delhi.

2. Director,
Defence Electronics Research Laboratory
Chandrayangutta, Hyderabad-5. .. Respondents

Counsel for the Petitioners :: Mr.G.Bikshapathy

Counsel for the Respondents :: Mr NV Ramana

CORAM:

HON'BLE SHRI A.V. HARIDASAN, MEMBER(JUDL.)

HON'BLE SHRI A.B. GORTHI, MEMBER(ADMN)

ORDER

(As per Hon'ble Shri A.B.Gorthi, Member (Admn))

Heard learned counsel for the petitioners Mr K.K.Chakravarthy (who is representing Mr G. Bikshapathi) on the merits of the Review application. The main contention raised in the review application is, that in our order dated 6.4.1994, we observed inter-alia as under:

"3. As none was present for the applicants on 4.4.94 and when this case came up for hearing, it was listed for dismissal today. Now learned counsel for applicants has stated that he is unable to substantiate the claim in the OA that the applicants were required to work only upto 44½ hours per week, and not 48 hours per week. In view of this, we must accept what has been stated by the respondents in their counter affidavit. Consequently, we find that the application is without merit. The same is hereby dismissed. No order as to costs."

2. It is now stated in the review application that the learned counsel for the applicants had drawn our attention to a Judgement of the Calcutta Higher Court in support of the plea of the applicants for grant of overtime allowance for working beyond 44½ hours and upto 48 hours per week. It is also the contention of the review applicants that no reference was made to the judgement of the Calcutta High Court in our order dated 6.4.94 passed in OA 967/93.

3. Prior to deciding OA967/93, we had the occasion to deal with two similar matters which came up before us in OA435/92 and OA 467/92. In the former (OA 435/92) the various contentions raised on either side were discussed at length. Para 5 of the order in the said OA would show that the Judgement of the Calcutta High Court was discussed and distinguished; similarly, a reference was also made in that order to the Judgement of the Supreme Court in Ex. Major N.C.Singhal Vs Director General, Armed Forces Medical Services, New Delhi (AIR 1972 SC 628). After detailed discussions

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1. The Director General, D.R.D.O., and Scientific Adviser, Min. of Defence, South Block, New Delhi.
2. The Director, Defence Electronics Research Laboratory, Chandrayanagutta, Hyderabad- 5.
3. One copy to Mr.G.Bikshapathi, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl.CGSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

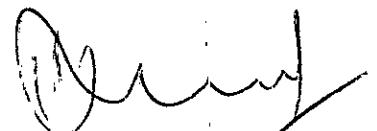
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on various aspects of the case, the said OA was dismissed for the reason(s) that the applicants therein were required to work for 48 hours and as such, they could claim overtime allowance only if they were required to work for more than 48 hours per week. Following our order in OA No. 435/92, we disposed of O.A. 467/92 also, which pertained to the employees of the DRDO, under Ministry of Defence.

4. In OA 967/93, the facts stated and the claims raised are similar to those in the previous OAs (435/92 & 467/92) which we had disposed of, as already stated. Consequently, the main question to be determined in OA 967/93 was whether or not, the applicants were required to work for 48 hours a week as stated by the respondents, or, for only $44\frac{1}{2}$ hours per week as asserted in the OA. As we had already held that the employees working in the DRDO under Ministry of Defence were required to work for 48 hours a week, we again asked the applicant's counsel to state if there was anything on record to indicate that the employees were required to work only $44\frac{1}{2}$ hours per week and not more. It was, from this point of view, that the OA was dismissed on that short ground and not because we had/kept not in our mind the Judgement of the Calcutta High Court to which, a reference is now being made in the review application.

5. In view of what is stated above, we do not find any merit in this review application and the same is dismissed. Keeping in view the circumstances of the case, there is no order as to costs.


(A.B. GORIHI)
Member (Admn)


(A.V. HARIDASAN)
Member (Judl.)

Dated: The 8th December, 1994

(Dictated in the open court)

mvl

Deputy Registrar (S)

contd...