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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1617 of 1993.

Between

Dated: 7.7.1995.

NFC Mazdoor Sangh, Regd. No.A-1804, rep., by its General Secretary 1-8-565/8, R.T.C. Cross roads, Hyderabad Sri. M.Venkatesham S/o Narayana, 40 years rest do.

2. S.Narasimhareddy, S/o Sattireddy, Tradesman 'B' Zirconium Oxide Plant, NFC, Hyderabad.

...

Applicants

And

1. Union of India, rep by its Secretary, Ministry of Finance, New Delhi.

2. Secretary, Ministry of Atomic Energy, New Delhi, Govt. of India.

...

Respondents

Counsel for the Applicants

: Sri. P.B.Vijayakumar

Counsel for the Respondents

: Sri. K.Bhaskara Rao, Addl. AGG.

CORAM:

Contd:...2/-

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DA 1617/93.

Dt. of Order: 7-7-95.

(Order passed by Hon'ble Shri R.Rangarajan, Member (A)).

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There are two applicants in this O.A. The first applicant is N.F.C.Mazdoor Sangh, represented by its General Secretary and the second            is one of the aggrieved party.

2. It is stated by the applicant that the Respondent No.3 with the approval of the Ministry announced incentive bonus for the employees and the same is force for three years from 1-4-90 (Annexure-5 ; page-13 to the DA). This scheme is applicable to all the employees of the N.F.C. and will not apply to Trainees and Daily Rated employees. Further the scheme shall be effective 1-4-90.

3. According to para-7 of the above memorandum incentive can be paid up to and up to 100% of annual wages. incentive is also contemplated under para-8, which reads as follows :-

"Additional Incentive/Reward: The additional incentive on this account shall be determined

<u>Weighted average annual production as percentage of Target</u>	<u>Additional Incentive Payable (% of annual wages)</u>
75 to 85%	2%
85 to 95%	2%
95 and above	4%

This will be payable over and above the ceiling of 20% of annual wages referred to in para-7.

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4. Twenty per cent of the incentive in terms of para-7 had already been paid and also 3% more additional incentive had also already been paid. But, the applicants' claim is that they are entitled for incentive of 4% as percentage of the target had exceeded 95% and above. As 23% incentive already been paid, they are entitled for one more percent of incentive as the weighted target of annual production is 95% and above.

5. As the department has not paid the one more percent of the incentive to make it 24%, the applicants Union approached the Conciliation Officer with various demands including this demand of additional incentive by representation dt. 25.7.1992. Respondent No.3 also addressed a letter to Conciliation Officer with regard to additional incentive. In that letter it is stated "that payment of one percent incentive in addition to 23% already paid for the year 1991-92 has been taken up with the Department of Atomic Energy for review and the outcome is still awaited."

6. In view of the above submission of the Respondent No.3, the Conciliation Officer closed the matter "observing that the matter is pending with the Department of Atomic Energy for review." Thereafter the applicant also represented to Respondent No.1 by the letter dt. 20.8.1992 but no reply has been received in this connection.

7. In view of the above, they have approached this Tribunal for a direction to the Respondents to pay the amount due for the year 1991-92 with interest from the date it was due.



8. The Respondents have filed a counter. They rely on the office memorandum dt. 8.4.1993 bearing No. 6/1(9)/92-I&M(NFC)/200 to state that the incentive has to be paid as per the above scheme. The scheme comes into effect from 1-4-1992 and remain in force for a period of three years.

9. From the above submission of the respondents it is not clear whether the scheme now annexed to the reply is applicable for incentive bonus of 1991-92. However, a perusal of the scheme indicates that this scheme is similar to the scheme annexed by the applicants, to this OA (Annexure-5), except that as per the Memorandum dt. 8.4.1993, the maximum incentive shall not exceed 23% in all. As the memorandum is to be followed in this case is at variance, it is not possible whether the ceiling as provided for in Memorandum of 8.4.93 is applicable to the incentive bonus to be granted for the year 1991-92. The contention of the applicant is that the memorandum dt. 8.4.1993 cannot have retrospective effect. Hence, the memorandum annexed to the OA vide Annexure-5 is the relevant one.

The above points need a thorough investigation by Respondent No.1 and 2. R-1 & 2 had already been addressed by the department and the applicants also represented their case to Respondent No.1 by the representation dt. 20.8.1992. In view of this and also as the material available in the O.A. as well as in the Counter is very meagre for \_\_\_\_\_, I ~~do~~ <sup>do</sup> not prefer to leave it to the authorities concerned to take a decision on the basis of the letter addressed by R-3. As the applicants <sup>are</sup> complaining that their case is pending since a long time, a direction has to be given to take a decision within a stipulated time.

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11. In the result, the following direction is given:-

Respondents No.1 and 2 should decide whether the applicants herein are entitled for one percent extra incentive over and above the 23% incentive already granted to them for the year in question within a period of 3 months from the date of receipt of a copy of this judgment. While deciding the issue, the respondents R-1 & R-2 will take due note of the details given by R-3 in his letter dt. 9.11.93 and other documents supplied by him in regard to production figures and also the representation of the applicants dated 20.8.1992.

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No order as to costs.

Registrar,

Dated 7th July, 1995.  
Dictated in the open court.

Deputy Registrar (Judl.)

av1/grh.

Copy to:-

1. Secretary, Ministry of Finance, Union of India, New Delhi.
2. Secretary, Ministry of Atomic Energy, Govt of India, New Delhi.
3. Chief Executive, Nuclear Fuel Complex, Hyderabad.
4. One copy to Sri. P.B. Vijayakumar, advocate, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsp/-

OA/16/93

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

A/ND

R. Nagappa Jan.  
THE HON'BLE CHIEF JUSTICE - MEMBER

DATED

7/7/93

ORDER/JUDGMENT

M.A.NO/R.P.NO/C.P.NO.

O.A.NO. 16/7/93

Admitted and Interim directions  
Allowed.

Disposed of with directions

Dismissed.

Dismissed for default

Rejected/Ordered.

No order as to costs.

YLKR

NO Space COPY

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Central Administrative Tribunal

25 JUL 1995 NSW

HYDERABAD BENCH