

(Hb)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

OA NO: 331/97

Date of decision: 31-12-1997

Between

(1) All India Ordnance Factories
Paramedical Staff Association,
Ordnance Factory Hospital Branch,
Eddumailaram, Dist. Medak,
Andhra Pradesh.
(Rep. by the President)

(2) A. Khadir Khan,
Ambulance Driver,
Ordnance Factory Project,
Eddumailaram,
Dist. Medak.

.. Applicants

And

(1) The Ordnance Factory Board,
through
The Director General,
Ordnance Factories, Ministry of Defence,
10-A, Auckland Road,
Calcutta - 1.


(2) The General Manager,
Ordnance Factory Project,
Eddumailaram, Dist. Medak,

Andhra Pradesh.

.. Respondents

Counsel for the applicants : Mr. P. Naveen Rao
Counsel for the respondents : Mr. V. Rajeswera Rao

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A) 

(Per Hon'ble Shri H.Rajendra Prasad, Member(A))

Heard Mr.P. Naveen Rao for the applicants and Mr. V.Rajeswara Rao for the respondents.

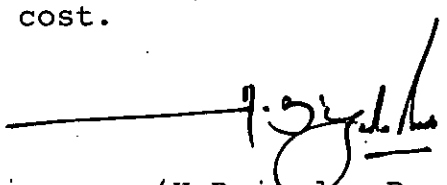
2. The grievance of the applicants in this O.A is that as against stipulated work-hours of 44 hours,45 minutes, in a week,they have often been obliged to work beyond 50 hours and more. In the past they were paid at rates twice the normal OTA for the extra work performed by them beyond the stipulated maximum. This continued upto 31.12.1995 but was for some reason stopped thereafter. The Association took up this matter with the respondents in reply,which the impugned order (Annexure AX) has been issued stating that the judgments of Madras Bench (OA 1037/92) (Ordnance Factory Hospital Employees Association vs. U.O.I.,1992(20)ATC 653) and Jabalpur Bench (TA No. 363 of 1986) do not have general applicability and the relief granted in those OAs cannot be extended to the present applicants.

3. It is stated by the respondents that a petition was filed before the Madras Bench seeking a review of the judgment in OA 1037/92. No details are,however, given. It is

...3/-

seen that the issue was settled several years ago and the review application, if filed very late, may not have been found to be maintainable. There is no reason why the relief granted by two coordinate benches of this Tribunal on the same issue should not be made available to the present applicants.

4. Under the circumstances the order contained in DGOF, Calcutta, letter No.525/CC/HOSE/OFT/A/A dt. 9/9/96, is hereby set aside as far as it relates to the present applicants and it is directed that the judgment contained in TA 363/86 disposed of on 4394 by Jabalpur Bench be implemented in respect of the applicants herein by granting them OTA at double the normal rate in respect of the duties performed by them beyond 45 hours and 45 minutes in a week from ~~1-1-96~~ onwards. Time given for compliance is 90 days from the date of receipt of a copy of this order. OA disposed of accordingly with no orders as to cost.

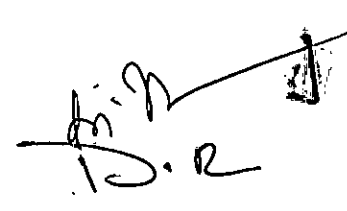

(H. Rajendra Prasad)

Member (A)

Dictated in open court

Dated 31st December, 1997
DDaRT.

MD



OA.331/97

Copy to:-

1. The Director General, Ordnance Factories, Ministry of Defence, 10-A, Auckland Road, Calcutta.
2. The General Manager, Ordnance Factory Project, Eddumailaram, Medak Dist.
3. One copy to Mr. P.Naveen Rao, Advocate, AT., Hyd.
4. One copy to Mr. V.Rajeswara Rao, Addl.GS.C., CAT., Hyd.
5. One copy to HHRP M(A) CAT., Hyd.
6. One copy to M.R.(A), CAT., Hyd.
7. One duplicate.

SRI

21/1/98

I Court

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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 31-1-1997

ORDER/JUDGMENT:

N.A./R.A./C.A.No.

in

O.A.No. 331/97

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

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासिक न्यायालय
Central Administrative Tribunal
दस्तावेज/DISPATCH
12 JAN 1998
HYDERABAD BENCH