

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1131/97

Date of Order : 27.1.98

BETWEEN :

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|----------------------------|----------------------------|
| 1. D.V.V.Satyanarayana | 31. P.Gowri Shankar |
| 2. G.Ananda Rao | 32. J.Moses |
| 3. K.V.L.N.Prasada Rao | 33. M.Raja Sekhar |
| 4. K.Suryachandra Rao | 34. S.Krishna Rao |
| 5. S.Sanyasi Rao | 35. N.Venkateswara Rao |
| 6. Y.Ramakrishna Rao | 36. Palisetty Sanyasi Rao |
| 7. M.Vijaya Bhaskar | 37. Madabattula Appa Rao |
| 8. K.S.R.Babji | 38. Amujuri Srinivasa Rao |
| 9. V.Ramesh | 39. Madugula Appa Rao |
| 10. D.Suryamani | 40. Alamanda Raja Rao |
| 11. K.V.V.Subramanyam | 41. S.Govardhan |
| 12. R.Satyanarayana Murthy | 42. Ch.Devudu |
| 13. S.Venkateswarlu | 43. S.Chandra Sekhar |
| 14. P.Subba Rao | 44. K.Vijaya Kumar |
| 15. D.Venkateswara Rao | 45. R.V.Ramana Murthy |
| 16. M.V.M.N.Rao | 46. S.Bhaskara Rao |
| 17. A.Ravindra Kumar | 47. B.S.Ravi Kumar |
| 18. B.Venkateswara Rao | 48. M.R.Prasad |
| 19. C.H.S.Prabhakara Rao | 49. N.Haranath |
| 20. V.V.Ramam | 50. R.Chandra Rao |
| 21. N.Subrahmanyam | 51. P.Raja Babu |
| 22. Ch.Trinadha Rao | 53. Chippada Satyanarayana |
| 24. N.Sreerama Murthy | 54. T.V.Appa Rao |
| 25. I.N.Rao | 55. M.D.Hafeesuddin |
| 26. K.Nagaraju | 56. A.Murali Krishna |
| 27. S.Lakshmana Murthy | 57. Pulle Venkata Ramana |
| 28. P.Samachandra Rao | 58. Yellapu Nooka Raju |
| 29. Y.Peddi Raju | 59. S.Bhaskara Rao |
| 30. M.Adinarayana | |

.. Applicants.

AND

1. The Secretary, Ministry of Defence,
Government of India, New Delhi.
2. The Flag Officer Commanding-in-Chief,
Eastern Naval Command, Visakhapatnam.
3. The Admiral Superintendent,
Naval Dockyard, Visakhapatnam.

.. Respondents.



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Counsel for the Applicants

.. Mr.S.Rama Krishna Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

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CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. There are 59 applicants in this OA. Though they are Non-Ministerial staff they are working in the Industrial side. Because of their working in the industrial side they are praying that they are entitled for Over Time beyond 48 hours at double the rate. A similar O.A. bearing No.236/87 was filed on the file of this Bench (A-2). That OA was disposed of allowing the application and was directed that "the over time shall have to be regulated in accordance with para 6(d)(1) of O.M.No.14(2)/76/D(Civ-II), dated 25.6.83 (A-1) i.e., for the period between prescribed hours (Viz., 36 hours, now raised to 40 hours) and 45 hours at the time rates." Two of the applicants filed representation for paying them over time allowance in accordance with the judgement in OA.236/87. It is stated that other applicants had also filed similar representations. The representations filed by two applicants were disposed of by Note No.PES/7401/OA 236/87, dated 12.7.97 (A-6) rejecting their application on the ground that they are not parties in OA.236/87.



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3. Hence they filed this OA praying for a direction to the respondents to extend the benefit of the judgement dated 24.1.89 in OA.236/87 and to reject the contentions of the respondents vide their office order No.PES/7401/OA 236/87, dated 12.7.97 By treating that the direction of the Tribunal in OA. 236/87 would be applicable to the applicants herein also for payment of OT allowance/arrears to the applicants.

4. Though no reply has been filed a draft reply in this OA was produced today by the learned counsel for the respondents. A reading of the draft reply indicates that it is more or less on the same lines as the reply filed in OA.236/87. The learned counsel for the respondents also submits that the reply is on the same lines as the reply filed in OA.236/87. Though the learned counsel for the respondents requested time to file reply on the basis of the draft reply produced I am of the opinion that even if the final reply is filed in this OA that reply may not be different from the reply filed in OA.236/87. As the reply in OA.236/87 was considered fully by the earlier Bench in that OA and passed the order dated 24.1.89 ~~the~~ ~~no~~ ~~useful~~ purpose will be served by adjourning the OA for filing the reply in this OA also. Hence after perusing the draft reply and the reply given in OA.236/87 and also the judgement dated 24.1.89 in OA.236/87 I am left with no other alternate except to accept the decision given in OA.236/87. More over the representations of the applicants were rejected only on the ground that they were not parties in O.A.236/87. Even if they are not parties, the judgement in OA.236/87 will equally apply to the applicants in this OA also. It is also seen from the OA that the decision of this Tribunal in OA.236/87 was ^{appealed} ~~filed~~ against by filing an SLP in the Apex Court vide appeal (C)No.12233/89 and it is stated that the same was dismissed by the Apex Court by order dated 26.9.96. Hence the decision of this

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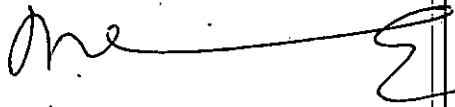
Court in OA.236/87 has become final.

5. In view of the above the applicants are also entitled to the same relief as given in OA.236/87.

6. O.A.236/87 was disposed of on 24.1.89. It is not understood why the applicants had waited from 24.1.89 till 13.8.97 when this OA was filed. The applicants are not vigilant to peruse ^{their} ~~that~~ case. Hence the law will not extend its hand to those who are not vigilant. Hence it is appropriate to give any relief as per the decision in OA.236/87 to the applicants in this OA only prospectively. As the applicants had filed this OA only on 13.8.97 they are entitled the OT allowance ^{for} the period they worked on or after 13.8.97 in accordance with the judgement in OA.236/87.

7. With the above direction the OA is disposed of. No costs.

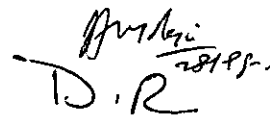
8. (Draft reply is taken on record)


(R. RANGARAJAN, I
Member (Admn.))

Dated : 27th January, 1998

(Dictated in Open Court)

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D.R.