

CENTRAL ADMINISTRATIVE TRIBUNAL

JABALPUR BENCH

OA No. 403/04

Jabalpur, this the 23rd day of August, 2004.

CORAM: Hon'ble Mr. Madan Mohan, Judicial Member

APPLICANTS

1. K. Shankaran,
Aged 50 years,
CM-II, SV Group, Ordnance
Factory, Itarsi.
2. Dular Prasad, aged 59 years,
s/o. Late Phagulal, Ordnance
Factory, Itarsi.
3. C.P. Karche, aged 54 years,
Supervisor/S.V. Ordnance
Factory, Itarsi.
4. S.N. Pande, 53 years,
S/o Achhiebar,
UDC/Estt. Ordnance Factory,
Itarsi.
5. M.N. Turankar, aged 47 years,
S/o. Late N. Turankar, UDC/PV,
Ordnance Factory, Itarsi.
6. P. Radhakrishnan Nair, 42
years, S/o. Late P. Nair.
UDC/Estt. Ordnance Factory,
Itarsi.
7. Kaladharan. B, aged 43 years,
S/o. K.B. Karnawar. UDC/Cash,
Ordnance Factory, Itarsi.
8. R.K. Pillai, aged 48 years, UDC,
GAP Section, Ordnance Factory,
Itarsi.
9. K.P. singh, aged 50 years,
S/o. Late L.B. Singh. OS/PV,
Ordnance Factory, Itarsi.
10. R.K. Wankhede, aged 46 years,
S/o. Deva Rao Wankhede. UDC,
Ordnance Factory, Itarsi.
11. P. Sonpure, 45 years,
S/o. Late Manaklal, UDC Estt.
Ordnance Factory, Itarsi.

12. B.R. Alwane, 45 years,
S/o. Late Krishna Rao.
UDC/Cash, Ordnance Factory,
Itarsi.
13. Y.S. Solankey, aged 45
years, S/o. Late Chain Singh,
Supr/PV, Ordnance Factory,
Itarsi.,
14. M.C. Choukikar, aged 44 years,
S/o. U.D. Chourikar, UDC/PV,
Ordnance Factory, Itarsi.
15. R.S. Parmar, aged 44 years,
S/o. Bhagwan Singh, UDC/BP,
Ordnance Factory, Itarsi.
16. A.K. Kurapa, Aged 45 years,
S/o. G.S. Kurupa. OM/ITC,
Ordnance Factory, Itarsi.
17. R.S. Pandey, UDC/RP,
Ordnance Factory, Itarsi.
18. Smt. S. Thakur, aged 38 years,
W/o. D.R. Thakur., UDC/ Estt.
Ordnance Factory, Itarsi.
19. R.S. Satankar, aged 38 years,
S/o. G.R. Satankar. UDC,/ NC,
Ordnance Factory, Itarsi.
20. Kailash Kumar,, LDC/Hosp.
Ordnance Factory, Itarsi.
21. J.C. Chandari, Supervisor/SS,
Ordnance Factory, Itarsi.
22. A.S. Bhoyar, aged 44 years,
Supr./ST, Ordnance Factory,
Itarsi.
23. Ramesh Kumar Sahu,
Supr. /ST, Ordnance Factory,
Itarsi.
24. R.S. Rajput, Supr/ Niau,
Ordnance Factory, Itarsi.
25. Ramesh Kumar Fendra,
AMD/Hosp. Ordnance Factory,
Itarsi.

26. Kundan Lal Morya,
S/o. M.W. Morya, FED/FB,
Ordnance Factory, Itarsi.
27. Hargovind Kewat,
S/o. Babulal Kewat,
Fireman/FB, Ordnance Factory,
Itarsi.
28. Chandrakant Bhagoriya, aged
16 years, S/o. Late Kunjilal.
Durwan, Ordnance Factory,
Itarsi.
29. Govind Das Chourey, Durwan,
Ordnance Factory, Itarsi.
30. R.K. soni, aged 41 years,
S/o. Radheyshaw Soni.
Durwan/SS, Ordnance Factory,
Itarsi.
31. Ram Sevak, Durwan/SS,
Ordnance Factory, Itarsi.
32. Vinesh Kumar Wamne, aged 26
years, S/o. Late Haridas.
Orderly, Ordnance Factory,
Itarsi.
33. Ghudiya Prasad, aged 42 years,
S/o. Bhola Ram, LDC/Canteen,
Ordnance Factory, Itarsi.
34. Ram Shankar Malviya,
aged 39 years,
S/o. Late Radheysham LDC/BG,
Ordnance Factory, Itarsi.
35. N. Gopalakrishnan, aged 47
years, S/o. N.N. Achary.
CM/Trg. Ordnance Factory,
Itarsi.
36. A.K. Choudhary, Ordnance
Factory, Itarsi.
37. N.K. Jain, aged 44 years,
S/o. G.L. Jain, AF/PP&P,
Ordnance Factory, Itarsi.

38. V.K. Koushik, AS/BP, Ordnance Factory, Itarsi.
39. K.C. Upadhyay, aged 48 years, S/o. C.B. Upadhyay, CM/DeEd, Ordnance Factory, Itarsi.
40. K. Damodaran, aged 57 years, S/o. K. Kunchambu, CM/Mttn. Ordnance Factory, Itarsi.
41. P.V. Easo, CM-I, Ordnance Factory, Itarsi.
42. J. Rama, CM-I/Safety, Ordnance Factory, Itarsi.
43. K.C. Pandey, S/o. L.P. Pandey, CM/EM, Ordnance Factory, Itarsi.
44. N. Qureshi, CM-I/ EM, Ordnance Factory, Itarsi.
45. T.D. Shahare, aged 44 years, S/o. D.S. Shahare CM/CW, Ordnance Factory, Itarsi.
46. N.K. Patmase, aged 44 years, S/o. K.B. Patmase, CM/Trg. Ordnance Factory, Itarsi.
47. M.K. Pandey, aged 44 years, S/o. G.P. Pandey, AS/NG, Ordnance Factory, Itarsi.
48. Manohar Ghagre, aged 50 years, S/o. V. Kutty Ghagre, CM/WC, Ordnance Factory, Itarsi.
49. K. Manogaran, aged 50 years, S/o. Late V. Kutty, CM/NG, Ordnance Factory, Itarsi.
50. V.A. Krishnankutty, aged 52 years, S/o. Late Anantha Raman, CM/NG, Ordnance Factory, Itarsi.
51. K. Ramachandaran, CM/ NG, Ordnance Factory, Itarsi.



52. A. Muralidharan, aged 47 years, S/o. K.K.K. Nambiar. CM/ EM, Ordnance Factory, Itarsi.
53. M.P. Shivashankaran, CM/ IM, Ordnance Factory, Itarsi.
54. R.V. Rao, aged 51 years, S/o. Late A. Rajakan Rao, CM/BG, Ordnance Factory, Itarsi.
55. G.C. Tiwari, S/o. S.P. Tiwari CM/ EW, Ordnance Factory, Itarsi.
56. Champalal, CM/ NG, Ordnance Factory, Itarsi.
57. S.K. Khargaw, LDC/ EO, Ordnance Factory, Itarsi.
58. K.P. Baburaj, aged 43 years, S/o. Appu Nair, B. Fit, Ordnance Factory, Itarsi.
59. R.R. Netan, Carp (HS), Ordnance Factory, Itarsi.
60. Rishi Kumar, aged 44 years, S/o. Mannulal. Lab (SS)/ CP, Ordnance Factory, Itarsi.
61. Vijiendra Kumar, aged 42 years, S/o. Mishrilal. Painter(S), Ordnance Factory, Itarsi.
62. L.K. Tiwari, aged 47 years, S/o. D.P. Tiwari. CM/ Acid, Ordnance Factory, Itarsi.
63. P.N. Mathur, CM/ SS, Ordnance Factory, Itarsi.
64. Premi Kumar, CM/ SS, Ordnance Factory, Itarsi.
65. A.K. Bastwas, aged 46 years, S/o. Moolchand, AF/ CY, Ordnance Factory, Itarsi.
66. N.P. Hatyas, aged 49 years, S/o. Dividayal, UDC, Ordnance Factory, Itarsi.

67. M.S. Tomar, aged 49 years,
 S/o Late J.S. Tomar, AF/Acid,
 Ordnance Factory, Itarsi.
 (By advocate **Shri S.K.Nagpal**)

VERSUS

N-APPLICANTS

1. Union of India,
 Through: : The Secretary,
 Government of India,
 Ministry of Defence, Department
 of Defence Production,
 New Delhi
2. The Chairman,
 Ordnance Factory Board,
 Ayudh Bhawan, 10-A, Shaheed
 Khudiram Bose Road,
 KOLKATA - 700 001
3. The General Manager,
 Ordnance Factory,
 Itarsi.
4. Labour Welfare Officer, Ordnance
 Factory, Itarsi.

Respondents

(By advocate: **Shri R.R.Dongra, Dept. rep.**)



O R D E R (oral)

By Madan Mohan, Judicial Member

By filing this OA, the applicants have claimed the following main reliefs:

- (i) Quash the impugned orders dated 1.3.2004 and 5.4.2004 (Annexures A1 & A3).
- (ii) Direct that no recovery towards the arrears of bus charges will be made from the applicants.
- (iii) Direct that the amount already recovered from the applicants towards the arrears be refunded to them within three months with interest @ 12% thereon.

2. The brief facts of the case are that the applicants are employees of the Ordnance Factory, Itarsi. The Women Welfare Association runs a K.G. School to meet educational requirement of the small children of Ordnance Factory employees. There is also a Kendriya Vidyalaya run by Kendriya Vidyalaya Sangathan at Itarsi. With a view to provide conveyance to small school going children of the employees, the Labour Welfare Officer of the Ordnance Factory, Itarsi, submitted a proposal to the General Manager to provide a truck to be used as school bus on amenity basis. The cost of running and maintenance of the bus was worked out and the expenditure per child was estimated to be Rs.20/- per month. The proposal was approved by the General Manager. The Labour Welfare Officer invited applications from the employees who wished to utilise the services of the bus. Thus the bus started working and recovery of the charges for use of the bus service was made from pay bills of the employees. Thereafter, for the year 1998-99, the charges for running the truck and school bus were again worked out and the same was concurred by Accounts Officer and approved by the General Manager. The expenditure was calculated as Rs.21/- per month per child and again for the year 2000-2001, it was raised to Rs.33/- per month per child. For the



academic session 2001-2002 as per the orders of the Ministry of Defence Annexure A12 and Ordnance Factory Board, the charges for the school bus were fixed at the rate of Rs.89/- per child per month. Accordingly the bus charges were recovered from the employees @ 89/- per month w.e.f. 2001-2002. The audit authorities raised an objection for recovering the charges at above rate. In view of the above, a list showing recovery to be made from the employees from September 1997 to 2001 has been prepared and recovery will be effected in instalments @ Rs.100/- per month. Some of the applicants submitted representations Annexure A13 & A14 to respondent No.3 ~~but these~~ representations have been rejected by impugned orders Annexure A4 & A5. Hence this OA is filed.

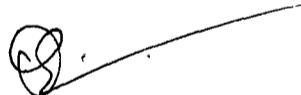
3. Heard the learned counsel for the applicant and Shri R.R.Dongra, UDC, Departmental representative. It is argued on behalf of the applicant that the charge for the school bus was fixed at Rs.20/- per month per child initially. Then the applicants had no objection. Subsequently it was raised to Rs.21/- per month and then raised to Rs.33/- per month also and they had continued to pay the aforesaid amount to the respondents and lastly the charge of the school bus was fixed at Rs.89/- per month for the academic session 2001-2002 and this amount was also being paid regularly but the respondents are illegally recovering Rs.100/- per month as instalment from September 1997 to March 2001 while for this period the amount for the school bus was Rs.20/-, Rs.21 and Rs.33/- only. The respondents cannot charge at the rate of Rs.89/- per month from 9/1997 onwards. The applicants have no objection in paying this amount of Rs.89 as school bus charge for the academic session of 2001-2002.

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4. I have perused the impugned order dated 12.4.2004 (Annexure A4) and the order dated 15.4.04 (Annexure A5) by which the request of the applicant has been turned down. I have heard the departmental representative also. I find that no reason is assigned in the impugned orders Annexure A4 & A5. The aforesaid orders are said to have been passed on the basis of the report of the audit authorities. The argument advanced on behalf of the applicants is that the rate of Rs.89/- per month cannot be legally charged from 9/1997 onwards. It can only be charged from the date of the academic session 2001-2002 only and not earlier.

5. Considering all the facts and circumstances of the case, the respondents are directed to re-consider the applications of the applicants regarding recovery of Rs.89/- per month from 9/1997 to March 2001, in accordance with rules, within three months from the date of receipt of a copy of this order. However, the applicants are at liberty to file a fresh OA if they feel aggrieved by the action of the respondents.

6. The OA is disposed of as above. No costs.


(Madan Mohan)
Judicial Member

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प्रृष्ठांकन सं. ओ/न्या.....जगलपुर, दि.....
प्रतिलिपि अवो छिटा:-

- (1) सचिव, उच्च न्यायालय लाइनर एसिटेन्यून, जगलपुर
- (2) आमेतक द्वी/सीवासी/कु.....के काउंसल
- (3) पत्त्यारी द्वी/सीवासी/कु.....के काउंसल
- (4) विद्यार्थी, दोषा, जगलपुर न्यायालय
सूचना एवं अन्यायक कार्यालयी हेतु

S K Majhi
Om Mawad

Sub. S. Majhi

*Issued
On 25.8.04
RS*