

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

ORIGINAL APPLICATION NO. 407 of 2002

Jabalpur, this the 6th day of March, 2003.

Hon^{ble} Mrs. Shyama Dogra, Member (J)

Kashi Prasad S/o Bhagirath Gaur
aged about 39 years, T.No. SS/04,
Darwan, Ordnance Factory, Itarsi
and 105 others.

-APPLICANTS

(By Advocate- Mr. S. Paul)

versus

1. Union of India through
its Secretary, Ministry of
Defence, New Delhi.
2. The Director General/Chairman,
Ordnance Factory Board, 10-A,
Shahid Khudram Bose Marg, Kolkata.
3. The General Manager,
Ordnance Factory, Itarsi.

-RESPONDENTS

(By Advocate- Mr. P. Shankaran)

ORDER (ORAL)

5/2/03

This application has been filed by the applicants, who are working as Darwan, Subedar Darwan and Jamadar Darwans with the respondents. They were granted Night Duty Allowance (N.D.A. for short) in terms of order dated 21.3.1985 vide Annexure A-1 being passed by the respondent No.2. However, the said benefit has been directed to be withdrawn by the impugned order dated 25.9.2001 vide Annexure A-2. The said order has been made effective from retrospective effect, i.e., w.e.f. 2.4.1998 as has been mentioned in Annexure A-2. The said benefit of N.D.A. has been withdrawn on the ground that night duty is a part of their regular duty.

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2. It is further submitted by the learned counsel for the applicant that vide Annexure A-8 dated 30.12.2001, the respondents have passed order for effecting recovery from the applicants that ^{for} the alleged excess amount being paid as N.D.A. to the applicants for the said period from April 1998 to September 2001 in 20 instalments. The applicants have challenged this impugned order on various counts and also enumerated the nature of duties to be performed by the applicants.

3. The respondents have filed written statement and supported the contents of the impugned order. However, subsequently the written statement was amended while seeking amendment in Para 17.1 wherein it has been mentioned that Ordnance Factory Board, Kolkata vide its letter dated 14.5.2002 (Annexure R-1) has informed that the matter regarding restoration of payment of N.D.A. to the Durwans in Ordnance Factories has been taken up with Ministry of Defence and the issue is under consideration. The Ordnance Factory has directed to keep the recovery of N.D.A. already paid to the Durwans in abeyance till further orders. It is further submitted in para 2 of the counter reply filed on behalf of the respondents that no recovery of N.D.A. has been started from the applicants so far.

4. I have heard the learned counsel for the parties and gone through the contents of the relevant documents.

5. Since the matter has already been put ^{up} before the concerned authority for restoring the said benefit to the applicants and the matter, which is still under

consideration before the appropriate authorities, it would be in the interest of justice to give appropriate directions to the authorities to expedite the matter within specified period. Therefore, the respondent No.1 is directed to decide the matter within a period of three months from the date of receipt of copy of this order and intimate the concerned sub-ordinate authorities accordingly.

6. So far as the recovery of N.D.A. already paid to the applicants is concerned, in view of the reply being filed by the respondents that no recovery has been effected from the applicants so far, and without touching the merits of the case, the respondents are directed not to take coercive steps in this regard till the matter is finally decided by the respondent No.1. However, it is made clear that if the applicants are still aggrieved by the subsequent decision of the concerned authorities, they are at liberty to resort to appropriate forum for redressal for their grievances in accordance with law.

7. In view of these observations and directions, this O.A. stands disposed of with no order as to costs.

Shyama Dogra
(Mrs. Shyama Dogra)
Member (J)

MA

जलन्धर, दि.....
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S. P. Singh, DCA
P. Shankaran, DCA

M. K. Sharma
20/7/03

Issued
on 21.3.03
BS