

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

**OA./20/360/2018
Dated: 22/03/2019**

BETWEEN:

- 1 Nukala Ramachandra Rao, S/o. Nageswara Rao(Late) Aged 63years,Rtd Foreman,Cin No.82464, R/o D. No. 29-8-17/12, Hari Plaza, Lalitha colony,Dabagardens,Visakhapatnam-530020.
- 2 Nekkanti Raja Rao, S/o.Subba Rao(Late), Aged 64 years, Rtd Foreman,Cin.No.81282,R/o D.No.15-86, Virat Nagar,R R V Puram, Visakhapatnam-530029.
- 3 Battula Venkateswara Rao, S/o. B Raja Rao(Late), Aged 65 years, Rtd Foreman,Cin.No.82729,R/o D.No.4-40/2/20,Flat No.504,Krishnas Appartment,R R V Puram, Visakhapatnam-530029.
- 4 Ithi Sanyasi Rao, S/o. I Prakasha Rao(Late), Aged 66 years, Rtd Chargeman-I, Cin.No.81583,R/o D.No58-14-14/20, Atul residency, VUDA Layout, Marripalem, Visakhapatnam-530018.
- 5 Daruru Tata, S/o. Suryanarayana(Late), Aged 68 years, Rtd Foreman,Cin.No.82057,R/o D.No.15-98, Virat Nagar,R R V Puram, Visakhapatnam-530029.
- 6 Nagamalla Venkata Ramana, S/o. Satya Rao(Late), Aged 69 years, Rtd Chargeman,Cin.No.83611,R/o D.No.20-211/5/20, Sukanya Nagar,Kothapalem, Visakhapatnam-530027.
- 7 Rasananda Sahoo, S/o. Surendra Sahoo(Late), Aged 70 years, Rtd Foreman,Cin.No.81486,R/o D.No.48-1-421/422, Santhi Nilayam T-I, NAD Kotha Road, Visakhapatnam-530009.
- 8 Surikuchi Venkatachala Veerabhadra Rao, S/o. Somayajulu (Late), Aged 63 years, Rtd Foreman,Cin.No.81941, R/o. Flat No.S-2, Sri Satya Sai Residency, Lakshmi Narasimha Nagar,R R V Puram, Visakhapatnam-530029.
- 9 KodamallaTivitha Chary, S/o. Kanakaratnam(Late), Aged 65 years, Rtd Foreman,Cin.No.81388, R/o D.No.9-4302,Jogavanipalem, Gajuwaka, Visakhapatnam-530026.
- 10 Munduru Kasipathi, S/o. M S Achary(Late), Aged 68 years, Rtd Chargeman -I,Cin.No.82730,R/o D.No.2-5/2, Santhosh Nagar,Yellapavani Palem, Visakhapatnam-530027.

- 11 Desapogu Devadas, S/o. Devadanam(Late), Aged 63 years, Rtd Foreman, Cin.No...83213 , R/o D.No.39-33-105/3 , Madhavadhara VUDA Colony, Visakhapatnam-530018.
- 12 Yalla Kanakalingeswara Rao, S/o.Rudra Rao(Late), Aged 64 years, Rtd Chargeman-I, Cin.No.83146,R/o D.No 38-35-39, Rampratap Nagar , Marripalem, Visakhapatnam-530018.
- 13 Mavulati Naga Raju, S/o. Rama Raju(Late), Aged 63 years, Rtd Foreman, Cin.No 81345,R/o D.No.39-33-105/3 ,Madhavadhara VUDA Colony, Visakhapatnam-530018.
- 14 Kuppili Janardana Rao, S/o. Neelamani Bhushana Rao(Late), Aged 67 years, Rtd Chargeman-I, Cin.No 83656,R/o D.No.5-157/3, Sanathivanipalem,Krishnaraya Puram,Vepagunta, Visakhapatnam-530047.
- 15 Musinana Vara Prasada Rao, S/o. Chandra Rao(Late), Aged 68 years, Rtd Foreman, Cin.No 81498,R/o D.No.MIG-20, Simhapuri Layout,Vepagunta, Visakhapatnam-530048.
- 16 Kola Hari Chandra Rao, S/o. Arranna(Late), Aged 68 years, Rtd Chargeman-II, Cin.No 83171,R/o D.No.22-24-7, Kanchara veedhi, Janapareddy vari doddi,Changalrao Peta, Visakhapatnam-530001.
- 17 Malay Kumar Guha, S/o. Amal Chandra Guha, Aged 62 years, Rtd Foreman, Cin.No 81326,R/o D.No.38-39-81/7,Bapujinagar, Visakhapatnam-530007.
- 18 Shaik Mahammed Moulali, S/o. Khadar Basha(Late), Aged 63 years, Rtd Chargeman-I, Cin.No 81948,R/o D.No.38-39-86-3/7, Bapuji Nagar, Visakhapatnam.
- 19 Gullipalli Ananda Rao, S/o. Manikyam(Late), Aged 72 years, Rtd Chargeman-I, Cin.No 81413,R/o D.No.34-13-36, Rossilian Street, Gnanapuram, Visakhapatnam-530004.
- 20 Anipeddi Satya Kumar, S/o. A S Ramachandra Murthy(Late), Aged 64 years, Rtd TA, Cin.No 81249,R/o D.No.39-16-53/6, Madhavadhara, Visakhapatnam-530007.
- 21 Kamuju Ammi Rao, S/o. Satyam(Late), Aged 69 years, Rtd Chargeman, Cin.No 81225,R/o D.No.50-79-14,Ganesh Nagar, Seethamma peta, Visakhapatnam-530016.
- 22 Kosuru Naga Raju, S/o. K V N Achari(Late), Aged 65 years, Rtd Foreman, Cin.No 81349,R/o D.No.38-19-44/2A, Jyothinagar, Marripalem, Visakhapatnam.
- 23 Duppati Daniel, S/o. D A Philip(Late), Aged 68 years, Rtd Foreman, Cin.No 81203,R/o D.No.49-35-21/A Pioneer Residency, NGGOs Colony,Akkayya Palem, Visakhapatnam-530016.
- 24 Vankara Raju, S/o. Gurumurthy(Late), Aged 63 years, Rtd Foreman, Cin.No 81269,R/o D.No.50-50-34 ,T P T Colony,

- 25 Dusi Gopala Rao, S/o Satyanarayana(Late), Aged 67 years, Rtd Foreman, Cin.No 81155,R/o D.No.44-15-26, Tadichetla palem, Visakhapatnam-530016.
- 26 Pidugu Rama Jagga Rao, S/o. Appa Rao(Late), Aged 66 years, Rtd Foreman, Cin.No 82056,R/o D.No.37-6-10, Satyanagar, Manchukonda Gardens, Visakhapatnam-530007.
- 27 Varri Venku Naidu, S/o. Nookanna(Late), Aged 70 years, Rtd Chargeman-I, Cin.No 81523,R/o D.No.19-27/1, Chandra nagar, Visakhapatnam.
- 28 Duddu Ramu Naidu, S/o. Sanyasi Naidu(Late), Aged 63 years, Rtd Foreman, Cin.No 82721,R/o D.No.15-117, Viratnagar, R R V Puram, Visakhapatnam-29.
- 29 Penuganti Ramu Naidu, S/o. Yellam Naidu(Late), Aged 65 years, Rtd Chargeman-I, Cin.No 83136,R/o D.No.45-50-9, Raj Enclave, Abidnagar, Visakhapatnam-530016.
- 30 Rokkala Raja Rao, S/o Dhanumu(Late), Aged 65 years, Rtd Foreman, Cin.No 83167,R/o D.No.31-49-32 ,pakeertakya,S C Colony, Vadlapudi Post, Kurmanipalem, Visakhapatnam-530049
- 31 Tammisetty Rama Rao, S/o. Satyanarayana Murthy(Late), Aged 67 years, Rtd Chargeman, Cin.No 84156,R/o D.No.7-197, Varalakshmi nagar, Vepagunta, Visakhapatnam-530047.
- 32 Nalla Rama Rao, S/o. Dalayya(Late), Aged 64 years, Rtd Chargeman-I, Cin.No 84290,R/o D.No.38-31-1/7, Green Gardens, Marripalem, Visakhapatnam-530018.
- 33 Pentakota Venkata Rao, S/o. Venkata Ramana(Late), Aged 66 years, Rtd Chargeman-I, Cin.No 84197,R/o D.No.33-20-98, Allipuram, Chalavathota, Visakhapatnam-530004.
- 34 Animeshkanti Biswangri, S/o. Rebati Raman Biswangri(Late), Aged 70 years, Rtd Foreman, Cin.No 81062,R/o D.No.43-11-58, Sai sadan Appartments, Sbbalakshmi nagar, Visakhapatnam-16.
- 35 Dakarapu Syam Sundara Rao, s/o Satyanarayana(Late), Aged 71 years, Rtd Foreman, Cin.No 82563,R/o D.No.HIG 25, Midhilapur VUDA colony, Madhurawada, Visakhapatnam-530041
- 36 Batchela Abbai Varma, S/o. Latchayya(Late), Aged 64 years, Rtd Foreman, Cin.No 81096,R/o D.No.10-23, Sri Sai Madhavanagar, Sector-I, Vepagunta, Visakhapatnam-530047.
- 37 Kannedi Veeraswamy, S/o. Venkanna(Late), Aged 66 years,

- Rtd Chargeman-I, Cin.No 82694,R/o D.No.55-31-46/2/1,
Housing Board
Colony,Seethammadhara,Visakhapatnam-530022.
- 38 Nethala Yesuratnam, S/o. Novahu(Late), Aged 64 years, Rtd Foreman, Cin.No 83839,R/o D.No.6-48, Prasanthi nagar, Vepagunta, Visakhapatnam-530047.
- 39 Rudraraju Krishnamurthy Raju, S/o. Venkata Raju(Late), Aged 68 years, Rtd Chargeman-I, Cin.No 82972,R/o D.No.E-5, Panchavati Township,Akkireddypalem,BHPV Post, Visakhapatnam-530012.
- 40 Vazhajil Unni Ravi, S/o. P N Kumaran(Late), Aged 63 years, Rtd Foreman, Cin.No 81031,R/o Punnothankathu House,Anchiry,ThodupuzhaiDukki,Kerala-685585.
- 41 Nakka Nageswara Rao, S/o. Surya Rao(Late), Aged 63 years, Rtd Foreman, Cin.No 81461, R/o Flat No.102,Varalakshmi Residency,Balaji Gardens,R R V Puram, Visakhapatnam-530029.
- 42 Vampolu Adinarayana, S/o. Satyanarayana(Late), Aged 64 years, Rtd Foreman, Cin.No 83129,R/o D.No.19-242, Sri Sai Madhavanagar,Vepagunta, Visakhapatnam-530047.
- 43 Maniyezhathu Kochumakker Shajahan, S/o. Maniyezhathu Kochumakker(Late), Aged 64 years, Rtd Foreman, Cin.No 81494,R/o Maniyezhathu House,Veyalar Post,Cherthala, Alleppy, Kerala 688536.
- 44 Rongali Sanyasi Naidu, S/o. Kollari(Late), Aged 66 years, Rtd Chargeman-I, Cin.No 82051,R/o D.No.6-624/5,Sai Nagar Colony,Simhachalam,Visakhapatnam-530028.
- 45 Surusetty Trinadha Rao, S/o. Appala Naidu(Late), Aged 63 years, Rtd Foreman, Cin.No 82971,R/o D.No.8-56-1, Varalakshmi nagar,Vepagunta, Visakhapatnam-530047.
- 46 Kodati Durga Prasad, S/o. Venugopala Rao(Late), Aged 62 years, RtdForeman, Cin.No 82071,R/o D.No.10-85/15, Vijaya Enclave, Gayatrinagar,P M Palem, Visakhapatnam-530041.
- 47 Maradepudi Demudu, S/o. Sree Ramulu(Late), Aged 65 years, Rtd Foreman, Cin.No 83138,R/o D.No.14-381,Lakshmi Nagar,Gopalapatnam, Visakhapatnam-530027.
- 48 Dasari Sudhakar, S/o. Sivaramayya(Late), Aged 64 years, Rtd Chargeman-I, Cin.No 81522,R/o D.No.26-23-2, Chaitanya Nagar, Old Gajuwaka, Visakhapatnam-530026.
- 49 Movva Siva Nageswara Rao, S/o Pitchaiah(Late), Aged 64 years, Rtd Foreman, Cin.No 81520,R/o D.No.26-23-5-1/3, Chaitanya Nagar,Old Gajuwaka, Visakhapatnam-530026.

- 50 Vobbilisetty Mahendra, S/o. V S N Murthy(Late), Aged 63 years, Rtd Foreman, Cin.No 81524,R/o D.No.49-26-61, Madhura Nagar, Visakhapatnam-530016.
- 51 Prasada Vijaya Saradhi, S/o. Pentayya(Late), Aged 64 years, Rtd Foreman, Cin.No 81531,R/o D.No.4-155/4, Ajantha park,R R V Puram, Visakhapatnam-530029.
- 52 Puthan Purayil Balan, S/o. Panniot Kelan, Aged 65 years, Rtd Foreman, Cin.No 81262, R/o D.No.282D,Vrinda Vanam, Chattukapara Post,Kodali,Kannanoor,Kerala-670592.
- 53 Dakarapu Vivekananda Swamy, S/o.Vayunandana Rao(Late), Aged 66 years, Rtd TA, Cin.No 84320,R/o D.No.19-170 Sector-II, Sri Sai Madhava Nagar,Vepagunta, Visakhapatnam-530047.
- 54 Kattoju Appalachari, S/o. Chandrayya(Late), Aged 66 years, Rtd Chargeman-I, Cin.No 83594,R/o D.No.19-135, Sri Sai Madhava Nagar,Sector-II,Vepagunta, Visakhapatnam-530047.
- 55 Palisetti Manohar, S/o. Sri Rama Murthy(Late), Aged 62 years, Rtd Foreman, Cin.No 84951,R/o D.No.19-190,Sri Sai Madhava Nagar,Sector-II,Vepagunta, Visakhapatnam-530047.
- 56 Kollabathula Peddi Raju, S/o. Mahankali(Late), Aged 68 years, Rtd Asst Foreman, Cin.No 81362,R/o D.No.55-6-41, Ambedkar colony,Isakathota, Visakhapatnam-530022.
- 57 Krishna Chandra Bhanja, S/o. Ananda Bhanja(Late), Aged 62 years, Rtd Foreman, Cin.No 84245,R/o Flat No 45& 46, Sri Sai Lakshmi Haritha Residency,Jyothinagar,Marripalem, Visakhapatnam-530018.
- 58 Katumuri Appa Rao, S/o. Appala Swamy(Late), Aged 66 years, Rtd Chargeman-I, Cin.No 82917,R/o D.No.36-94-279/7, Arundathi Nagar, Visakhapatnam-530008.
- 59 Balla Narasinga Rao, S/o. Ramana(Late), Aged 64 years, Rtd Chargeman-I, Cin.No 81529,R/o Flat No 305,Sai Leela Residency,KRM Colony,Seethamma Dhara, Visakhapatnam-13.
- 60 Barla Sampath Kumar, S/o. Govinda Rao(Late), Aged 64 years, Rtd Foreman, Cin.No 83155,R/o D.No.6-10-32,Peethala Veedhi Down,Chinna Waltair, Visakhapatnam-530017.

...Applicants

And

- 1 The Union of India, Rep by it's Secretary
Ministry of Defence, South Block, New Delhi.

- 2 The Chief of Naval Staff, Naval Headquarters,
South Block, New Delhi.
- 3 The Flag Officer Commanding-in-Chief,
Headquarters, Eastern Naval Command, Visakhapatnam.
- 4 The Admiral Superintendent,
Naval Dockyard, Visakhapatnam.

...Respondents

Counsel for the Applicant : Dr. P. B. Vijay Kumar, Advocate
Counsel for the Respondents : Mr. A. Radha Krishna, Sr. PC for CG

CORAM

Hon'ble Mr. Justice R. Kantha Rao, Judl. Member
Hon'ble Mrs. Naini Jayaseelan, Admn. Member

ORAL ORDER **{Per Hon'ble Mr. Justice R. Kantha Rao, Judl. Member}**

Heard Dr. P.B. Vijay Kumar, learned counsel appearing for the applicant and Mr. A. Radha Krishna, Sr. PC for Central Government.

2. Applicants are Chargemen at Naval Dockyard, Vishakhapatnam under the control of the 4th Respondent. They retired from the service. They filed the present OA seeking a direction to the respondents to extend and pay the Over Time Allowance in terms of Section 59 of the Factories Act w.e.f. 01.01.2006 with interest, following the orders of the Tribunal in OA.115/2013 dated 07.12.2015 by setting aside the proceedings of the 4th Respondent dated 24.11.2017.

3. The issue for consideration in the present OA is, whether the applicants who are retired as Chargemen and Foremen though called as Supervisors or workers within the ambit of Section 59 of Factories Act are entitled for OTA. The same issue fell for consideration before the Tribunal in two similar OAs i.e. 115/2013 and 650/2017. In these two OAs, the Tribunal took the view that the Chargemen, or Foremen or workers, though the respondents grade them as a supervisors, are entitled for OTA. Since the issue involved in the instant case is no longer res-integra the OA fully succeeds. Therefore, the respondents are directed to consider as under:--

- i) To pay OTA to the applicants on par with the workers for performing duties in excess of 48 hours per week as per Section 59 of Factories Act.
- ii) The Arrears of OTA due shall be paid from 01.01.2006 for a period of 3 years or till the date of retirement, whichever is earlier, in terms of the judgment of the Hon'ble Supreme Court in U.O.I vs. Tarsem Singh in CA No.5151 of 2008-5152 of 2008.
- iii) The arrears shall be paid after deducting OTA payments made, if any, to the applicants based on the notional pay of Rs.18,000.
- iv) Time allowed to implement the order is 3 months from the date of receipt of this order.
- v) With the above directions the OA is allowed. There shall be no order as to costs.

(NAINI JAYASEELAN)
ADMN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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