

**CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
CALCUTTA**



No.O.A.350/574/2019
M.A.350/313/2019

Date of order : 10.06.2019

Coram : Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. N Neihisial, Administrative Member

1. Employees Union Ordnance Factory Dum Dum,
A registered Union represented by its General
Secretary namely Shri Swapan Kumar Roy,
Son of Late Santi Ranjan Roy,
Having its registered office at Malati Bhawan,
29, P.K. Guha Road,
Kolkata – 700028;
2. Shri Swapan Kumar Roy,
Son of Late Santi Ranjan Roy,
Aged about 58 years,
Residing at Quarter No. H/4, Dum Dum Estate,
Kolkata – 700028
And working as Machinist (MCM) in Ordnance Factory,
Dum Dum. Raja Bagan Estate,
Jessore Road, K.B. Sarani,
Kolkata – 700028.
3. Shri Rana Ganguly,
Son of Late Swarna Kumar Ganguly,
Aged about 49 years,
Residing at 218 (375), G.T. Road,
Bahir Serampore, Serampore,
District – Hooghly and working as Machinist (HS-I)
In Ordnance Factory, Dum Dum. Raja Bagan Estate,
Jessore Road, K.B. Sarani,
Kolkata – 700028.
4. Shri Chayan Bhattacharjee,
Son of Late Chanda Bhusan Bhattacharjee,
Aged about 40 years,
Residing at 31/9, K. B. Sarani (Mall Road), Dum Dum,
Kolkata – 700080
And working as Fitter (HS-I) in Ordnance Factory,
Dum Dum, Raja Bagan Estate,
Jessore Road, K.B. Sarani,

Kolkata – 700028.

5. Shri Bed Prakash Pandey,
Son of Late Radheshyam Pandey,
Aged about 45 years,
Residing at 23A/85, Sree Durga Colony,
Jessore Road,
Kolkata – 700028
And working as Fitter (MCM) in Ordnance Factory,
Dum Dum. Raja Bagan Estate,
Jessore Road, K.B. Sarani,
Kolkata 700028.
6. Shri Hamid Saha,
Son of Shri Latip Saha
Aged about 39 years,
Residing at Ganapati Residency, 8/260,
West Durga Nagar Main Road,
Flat No. 1B, First Floor,
Kolkata – 700065
And working as Fitter (HS-I) in Ordnance Factory,
Dum Dum. Raja Bagan Estate, Jessore Road, K.B. Sarani,
Kolkata – 700028.
7. Shri Chrstrup Khanda,
Son of Late Bhuban Mohan Khanda,
Aged about 38 years,
Residing at 'Mangalik' Apartment,
D Flat No. D-2, First Floor, Nalta,
Kolkata – 700028
And working as Electroplater (HS-I) in Ordnance Factory,
Dum Dum, Raja Bagan Estate, Jessore Road, K.B. Sarani,
Kolkata – 700028.
8. Shri Daya Shankar Upadhyaya,
Son of Shri Satish Kumar Upadhyaya,
Aged about 33 years,
Residing at Quarter No. G-39,
Dum Dum Estate,
Kolkata – 700028
And working as Machinist (HS-I) in Ordnance Factory,
Dum Dum. Raja Bagan Estate,
Jessore Road, K.B. Sarani,
Kolkata – 700028.
9. Shuvendu Ghosh,
Son of Late Sisir Kumar Ghosh,
Aged about 47 years,
Residing at 869/2, Jawpur Road,
Post Office – Jawpur,

Kolkata – 700074

And working as Machinist (HS-I) in Ordnance Factory,
Dum Dum. Raja Bagan Estate,
Jessore Road, K.B. Sarani,
Kolkata – 700028.

..... Applicants.

- Versus -

1. Union of India
Service through the Secretary,
Ministry of Defence (Defence and Production),
Government of India,
South Block,
New Delhi – 110001.
2. The Controller General of Defence Accounts,
Ministry of Defence,
Having its office at Ulan Batar Road,
Palam Colony, Delhi Cantonment,
New Delhi – 110010.
3. The Chairman,
Ordnance Factory Board,
Government of India,
Ministry of Defence,
Having her office at 10A,
Shaheed Khudiram Bose Road,
Calcutta – 700001.
4. The Principal Controller of Accounts (Fys.).
Ministry of Defence,
Having her office at 10A, Shaheed Khudiram Bose Road,
Calcutta – 700001;
5. The General Manager,
Ordnance Factory,
Dum Dum, Raja Bagan Estate,
Jessore Road, K.B. Sarani,
Kolkata 700028.

..... Respondents.

For the applicant : Mr. P.C. Das, counsel
Ms. T. Maity, counsel

For the respondents : Mr. R. Halder, counsel

ORDER(ORAL)**Mr. Justice L. Narasimha Reddy, Chairman****M.A.350/313/2019**

This application is filed with a prayer to permit the applicants herein to join in the same O.A. It is stated that the cause of action and grievance of the applicants are one and the same.

Therefore, the M.A. is allowed.

O.A.350/574/2019

2. The first applicant is an association of employees of Ordnance Factory at Dum Dum and the other applicants are its members. This O.A. is filed by them claiming the relief in the form of a direction to the respondents to pay the overtime allowance and to extend the other ancillary benefits. They have also prayed for a declaration that the office memo dated 26.06.2009 and subsequent orders dated 27.08.2009 and 28.10.2009 are nonest and cannot be sustained in view of the judgment of the Hon'ble High Court of Judicature at Madras in the Writ Petition Nos.609 of 2011 and batch and the order passed by the Principal Bench of this Tribunal, New Delhi dated 25.04.2018 in O.A.No.650/2016.

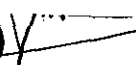
3. The applicants contend that they are entitled to be paid the overtime allowance and other ancillary benefits in view of the law laid down by the Hon'ble High Court of Judicature at Madras as well as the Principal Bench of this Tribunal and despite that the respondents are not extending that benefits to them.



4. We heard Mr. P.C. Das leading Ms. T. Maity for the applicants and Mr. R. Halder for the respondents.

5. It is no doubt true that relief was granted by the Madras High Court and the Principal Bench in the proceedings. However, the question as to whether the orders passed by the High Court and the Tribunal have been assailed before a superior forum or whether the applicants stand on the same footing as do the applicants in the writ petition and the O.A., needs to be examined. Representation dated 28.03.2019, made in this behalf is pending.

6. We therefore dispose of this O.A. directing to examine the representation of the applicant dated 28.03.2019 with reference to the provision of law and pronouncements of courts on the subject and to pass appropriate orders within a period of 2 months from the date of receipt of this order. There shall be no order as to costs.

(N. Neihial) 
Administrative Member
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(Justice L. Narasimha Reddy)
Chairman