

W.P.C.T. 352 of 2024

Union of India & Ors.
Vs.
Barrackpore Depressed
Class League (BDCL) & Ors.

Mrs. Sarda Sha

...for the Petitioners

Mr. Soumen Bhattacharjee,

Mr. Ankan Das,

Ms. Shradhya Ghosh

...for the Respondents

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. Heard the learned counsel for the petitioners.
3. The applicants before the Central Administrative Tribunal, Kolkata Bench (hereinafter referred to as the 'C.A.T.') were seeking inclusion of House Rent Allowance, Travelling Allowance, Small Family Allowance and other admissible allowances for the purpose of calculating overtime allowance w.e.f. 01.01.2006. The C.A.T. has considered the stand of the parties. After considering the submission of the applicants as well as the respondent, the C.A.T. found that the relief being claimed for was allowed by the Madras High Court in Writ Petition No. 609 of 2011 on 30.11.2011. The same relief has been allowed by the Hyderabad Bench of the Central Administrative Tribunal in O.A. No. 1372 of 2012 on 04.04.2014.

4. The Principal Bench of the C.A.T. has also granted such relief to the applicants in other ordinance factories by its order dated 25.04.2018 passed in O.A. No. 650 of 2016.
5. Taking into consideration the consistent view of the various forums with regard to the same relief and also considering the fact that SLP Nos. 12845-12852 of 2012 which were filed against the order passed by the Madras High Court is pending consideration, the C.A.T. has proceeded to allow the claim of the applicants in the following terms :

“15. We are of the opinion that the applicants in this Original Application are similarly placed as the applicants in the Original Applications cited by them and since these applications have been allowed by the Principal bench of this Tribunal and other Benches of this Tribunal, the issues raised in the instant application has already been adjudicated upon. We therefore allow this Original Application. Relief granted to the applicants will however be subject to the final outcome of the decision of the Hon’ble Apex Court in SLP Nos. 12845-12852/2012. Further, in the event the decision in the aforesaid SLPs goes against the applicants, the respondents may recover the entire amount received by the applicants by way of relief granted by this order. There will be no order as to costs.”

6. The C.A.T. has allowed the claim in the above terms since the orders passed by the other

Benches/forums have been given effect to by the respondent authorities. Also it was nobody's case that there is any interim stay granted by the Hon'ble Apex Court in the pending SLPs. We thus do not find any reason to interfere with the order dated 05.04.2024 passed by the C.A.T. in O.A. No.669 of 2023.

7. The Writ Petition being **W.P.C.T. No. 352 of 2024** is dismissed.

(Madhuresh Prasad, J.)

(Ajay Kumar Gupta, J.)