

W.P.C.T. 351 of 2024

Union of India & Ors.

Vs.

**All India Association of Non-Gazetted Officers of
Ordnance and Equipment Factories & Quality
Assurance Organisations & 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 :

“17. In view of the above discussion, the respondents are directed to include HRA, TA SFA and other admissible allowances for the purpose of calculating overtime allowance provisionally w.e.f. 01.01.2006 subject to the final outcome of the decision of the Hon’ble Apex Court in the SLPs filed by the Union of India in the instant matter.”

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 17.11.2023 passed by the C.A.T. in O.A. No.1741 of 2022.

7. The Writ Petition being **W.P.C.T. No. 351 of 2024** is dismissed.

(Madhuresh Prasad, J.)

(Ajay Kumar Gupta, J.)