



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4419 OF 2025

1. Union of India
through Secretary,
Department of Defence Production,
Ministry of Defence, 136,
South Block, New Delhi 110 001

2. The Director of Ordinance
(Coordination & Services),
10/A, Shaheed Khudiram Bose Road,
Kolkata, 700 001

3. The Principal Controller
of Accounts (Fys), 10/A,
Shaheed Khudiram Bose Road,
Kolkata 700 001

4. The General Manager,
Ordinance Factory Ambajhari,
Nagpur 440 021
(A unit of Yantra India Limited,
(YIL) Nagpur, (DPSU)

.....PETITIONERS

...VERSUS...

1. Ordinance Employees Union,
Ambazari having its office at
Building No. 6/1, Sector VI,
Ordinance Factory Estate,
Ambjhari, Nagpur 440 021
through its General Secretary,
Vinod Kumar

2. Vinod Kumar,
aged about 37 yrs, Occ. Service,
R/o : Quarter No. 7/84/1,

Type II, Ordinance Factory Estate,
Ambajhari, Nagpur 440 021

3. Ashish S. Pachghare,
aged about 33 yrs, Occ.
Service, R/o. Plot No. 119,
Siddharth Society, 8th Mile,
Amravati road, Nagpur 440 023

4. D.P. Kshirsagar,
Aged about 41 yrs, occ.
Service, r/o Hanuman Nagar,
Waddhamna, Tah. Hingna,
Nagpur 440 023

..RESPONDENTS

Mr. S.A. Chaudhari, Advocate for petitioners.
Mr. B. Lahiri, Advocate for respondent Nos.1 to 4.

CORAM:- ANIL S. KILOR, &
RAJNISH R. VYAS, JJ.

DATE : 16.10.2025

JUDGMENT (Per : Rajnish R. Vyas)

Heard. Rule. Rule made returnable forthwith. Heard finally
with consent of learned counsels for the parties. We have also perused
the case record.

2. The petitioner – Union of India has challenged the order
passed by Central Administrative Tribunal, Mumbai Bench, Mumbai in
Original Application No. 833/2021, by which the petitioners were
directed to extend benefit of calculation of OTA by inclusion of various

allowances i.e. HRA, TA, SFA etc. The respondents were also put to condition that they would deposit the amount of benefit in lump-sum in event the decision in Special Leave Petition pending before the Hon'ble Supreme Court of India goes against them.

3. In short, it was the case of respondents before the Tribunal that they were entitled for overtime allowance by including HRA, TA, SFA etc in computation of OTA. According to them, similar issue had arisen in Original Application No. 650/2016 before the Central Administrative Tribunal, Mumbai, and vide order dated 25.4.2018, the Union was directed to include all allowances stated above in calculation of overtime allowance. According to them, since they are similarly circumstanced, they are also entitled for same.

4. Per contra, learned counsel for petitioners has stated that issue involved is pending before the Hon'ble Supreme Court and therefore, at present, the respondents are not entitled for any relief.

5. On perusal of record, it is clear that the learned Tribunal by considering relief granted to similarly circumstanced persons has

extended the benefit to the respondents. The interest of the petitioners is also protected by directing them to give undertaking. In view of it, we do not see any reason to interfere in the judgment impugned. Accordingly, we pass following order:

ORDER

- i) The petitioners shall extend benefit of One Time Allowance (OTA) by inclusion of various allowances. The respondents shall submit the undertaking stating the nature of allowances which they are getting and the date from which they were held entitled for it.
 - ii) The respondents shall also file undertaking that in case, issue pending in Special Leave Petition is decided against them, they shall deposit the amount of benefit in lump-sum with the respondents.
 - iii) The petitioners shall consider entitlement of respondents for overtime allowance on the basis of undertaking given by them.
6. Petition is allowed in the aforestated terms.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)