

SejAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

OA. No. 020/350/2017

Dated: 02/05/2017

BETWEEN:



1. Nukala Ramachandra Rao,
S/o.Nageswara Rao (Late),
Aged about 62 years,
Retd. Foreman, Cin No.82464,
R/o. D.No.29-8-17/12, Hari Plaza,
Lalitha Colony, Dabagardens,
Visakhapatnam-530 020.
2. Nekkanti Raja Rao,
S/o.Subba Rao (Late),
Aged about 63 years,
Retd. Foreman, Cin No.81282,
R/o. D.No.15-86, Virat Nagar,
R.R.VPuram, Visakhapatnam – 530 029.
3. Battula Venkateswara Rao,
S/o.B. Raja Rao (Late),
Aged about 62 years,
Retd. Foreman, Cin No.82729,
R/o. D.No.4-40/2/20, Flat No.504,
Krishnas Appartment,
RRV.Puram, Visakhapatnam – 530 029.
4. Ithi Sanyasi Rao,
S/o.I . Prakasha Rao (Late),
Aged about 65 years,
Retd. Chargeman-I, Cin No.81583,
R/o.DNo.58-14-14/20, Atul residency,
Vuda Layout, Marripalem,
Visakhapatnam-530 018.
5. Daru Tata,
S/o.Suryanarayana (Late),
Aged about 67 years,
Retd. Foreman, Cin No.82057,
R/o. D.No.15-98, Virat Nagar, RRV Puram,
Visakhapatnam-530 029.
6. Nagamalla Venkata Ramana,
S/o.Satya Rao (Late),
Aged about 66 years,
Retd. Chargeman, Cin No.83611,
R/o. D.No.20-211/5/20, Sukanya Nagar,
Kothapalem, Visakhapatnam-530 027.

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7. Rasananda Sahoo,
S/o.Surendra Sahoo (Late),
Aged about 61 years,
Retd. Foreman, Cin No.81486,
R/o. D.No.48-1-421/422, Santhi Nilayam T-I,
NAD Kotha Road,
Visakhapatnam - 530 009.
8. Surikuchi Venkatachala Veerabhadra Rao,
S/o. Somayajulu (Late),
Aged about 62 years,
Retd. Foreman, Cin No.81941,
R/o. Flat No.S-2, Sri Satya Sai Residency,
Lakshmi Narasimha Nagar, RRV Puram,
Visakhapatnam-530 029.
9. Kodamalla Tivitha Chary,
S/o.Kanakaratnam (Late),
Aged about 64 years,
Retd. Foreman, Cin No.81388,
R/o. D.No.9-4-302, Jogavanipalem,
Gajuwaka, Visakhapatnam-530 026.
10. Munduru Kasipathi,
S/o.MS Achary (Late),
Aged about 67 years,
Retd. Chargeman-I, Cin No.82730,
R/o. D.No.2-5/2, Santhosh Nagar,
Yellapavani Palem, Visakhapatnam-530 027.
11. Desapogu Devadas,
S/o.Devadanam (Late),
Aged about 62 years,
Retd. Foreman, Cin No.83213,
R/o. D.No.39-33-105/3, Madhavadhara,
VUDA Colony,
Visakhapatnam-530 018.
12. Yalla Kanakalingeswara Rao,
S/o.Rudra Rao (Late),
Aged about 63 years,
Retd. Charge man-I, Cin No.83146,
R/o. D.No.38-35-39, Rampratap Nagar, Marripalem,
Visakhapatnam-530 018.
13. Mavulati Naga Raju,
S/o.RamaRaju (Late),
Aged about 62 years,
Retd. Foreman, Cin No.81345,
R/o. D.No.39-33-105/3,
Madhavadhara VUDA Colony,
Visakhapatnam-530 018.
14. Kuppili Janardana Rao,
S/o.Neelamani Bhushana Rao (Late),
Aged about 66 years,

Retd. Chargeman-I, Cin No.83656,
R/o. D.No.5-157/3, Santhivanipalem,
Krishnaraya Puram, Vepagunta,
Visakhapatnam-530 047.



15. Musinana Vara Prasada Rao,
S/o.Chandra Rao (Late),
Aged about 63 years,
Retd. Foreman, Cin No.81498,
R/o. D.No.MIG-20, Simhapuri, Layout,
Vepagunta, Visakhapatnam – 530 048.
16. Kola Hari Chandra Rao,
S/o.Arranna (Late),
Aged about 67 years,
Retd. Chargeman-II, Cin No.83171,
R/o. D.No.22-24-7, Kanchara Veedhi,
Janapareddy varidoddi, Changalrao Peta,
Visakhapatnam-530 001.
17. Malay Kumar Guha,
S/o. ~~Anil Chandra Guha~~,
Aged about 61 years,
Retd. Foreman, Cin No.81326,
R/o. D.No.38-39-81/7, Bapujinagar,
Visakhapatnam-530 007.
18. Shaik Mahammed Moulali,
S/o.Khadar Basha (Late),
Aged about 64 years,
Retd. Chargeman-I, Cin No.81948,
R/o. D.No.38-39-86-3/7, Bapuji Nagar,
Visakhapatnam- 530 007.
19. Gullipalli Ananda Rao,
S/o.Manikyam (Late),
Aged about 71 years,
Retd. Chargeman-I, Cin No.81413,
R/o. D.No.34-13-36,Rossillian Street,
Gnanapuram, Visakhapatnam-530 004.
20. Anipedi Satya Kumar,
S/o.A.S. Ramachandra Murthy, (Late),
Aged about 63 years,
Retd. TA, Cin No.81249,
R/o. D.No.39-16-53/6, Madhavadhara,
Visakhapatnam-530 007.
21. Kamuju Ammi Rao,
S/o.Satyam (Late),
Aged about 68 years,
Retd. Chargeman, Cin No.81225,
R/o. D.No.50-79-14,Ganesh Nagar,
Seethamma Peta,
Visakhapatnam-530 016.



22. Kosuru Naga Raju,
S/o.KVN Achari (Late),
Aged about 64 years,
Retd. Foreman, Cin No.81349,
R/o. D.No.38-19-44/2A,
Jyothinagar, Marripalem,
Visakhapatnam-530 018.
23. Duppati Daniel,
S/o.DA Phillip (Late),
Aged about 67 years,
Retd. Foreman, Cin No.81203,
R/o. D.No.49-35-21/A, Pioneer Residency,
NGGOs Colony, Akkayya Palem,
Visakhapatnam-530 016.
24. Vankara Raju, S/o. Gurumurthy (Late),
Aged about 62 years,
Retd. Foreman, Cin No.81269,
R/o. D.No.50-50-34, TPT Colony, BS Layout,
Visakhapatnam-530 013.
25. Dusi Gopala Rao,
S/o.Satyanarayana (Late),
Aged about 66 years,
Retd. Foreman, Cin No.81155,
R/o. D.No.44-15-26, Tadichetla palem,
Visakhapatnam-530 016.
26. Pidugu Rama Jagga Rao,
S/o.Appa Rao (Late),
Aged about 65 years,
Retd. Foreman, Cin No.82056,
R/o. D.No.37-6-10, Satyanagar,
Manchukonda Gardens,
Visakhapatnam-530 007.
27. Varri Venku Naidu,
S/o.Nookanna (Late),
Aged about 69 years,
Retd. Chargeman-I, Cin No.81523,
R/o. D.No.19-27/1, Chandra Nagar,,
Visakhapatnam-530 027.
28. Duddu Ramu Naidu,
S/o.Sanyasi Naidu (Late),
Aged about 62 years,
Retd. Foreman, Cin No.82721,
R/o. D.No.15-117, Viratnagar, RRV Puram, ,
Visakhapatnam-530 029.
29. Penuganti Ramu Naidu,
S/oYellam Naidu (Late),
Aged about 64 years,
Retd. Chargeman-I, Cin No.83136,
R/o. D.No.45-50-9, Raj Enclave, Abidnagar,
Visakhapatnam-530 016.



30. Rokkala Raja Rao,
S/o.Dhanumu (Late),
Aged about 64 years,
Retd. Foreman, Cin No.83167,
R/o. D.No.31-49-32, Pakeertakya, SC Colony,
Vadlapudi Post, Kurmanipalem,
Visakhapatnam-530 049.
31. Tammisetty Rama Rao,
S/o.Satyanarayana Murthy (Late),
Aged about 66 years,
Retd. Chargeman, Cin No.84156,
R/o. D.No.7-197, Varalakshmi Nagar,
Vepagunta, Visakhapatnam-530 047.
32. Nalla Rama Rao,
S/o.Dalayya (Late),
Aged about 63 years,
Retd. Chargeman-I, Cin No.84290,
R/o. D.No.38-31-1/7, Green Gardens,
Marripalem, Visakhapatnam-530 018.
33. Pentakota Venkata Rao,
S/o.Venkata Ramana (Late),
Aged about 65 years,
Retd. Chargeman-I, Cin No.84197,
R/o. D.No.33-20-98,
Visakhapatnam-530 004.
34. Animeshkanti Biswangri,
S/o.Rebati Raman Biswangri (Late),
Aged about 69 years,
Retd. Foreman, Cin No.81062,
R/o. D.No.43-11-58, Sai Sadan Appartments,
Subbalakshmi Nagar,
Visakhapatnam-530 016.
35. Dakarapu Syam Sundara Rao,
S/o.Satyanarayana (Late),
Aged about 62 years,
Retd. Foreman, Cin No.82563,
R/o. D.No.HIG 25, Midhilapur VUDA Colony,
Madhurawada, Visakhapatnam-530 041.
36. Bachela AbbaiVarma,
S/o.Latchayya (Late),
Aged about 63 years,
Retd. Foreman, Cin No.81096,
R/o. D.No.10-23, Sri Sai Madhava Nagar,
Sector-I, Vepagunta Visakhapatnam-530 047.
37. Kannedi Veeraswamy,
S/o.Venkanna (Late),
Aged about 65 years,



- Retd. Chargeman-I, Cin No.82694,
R/o. D.No.55-31-46/2/1, Housing Board Colony,
Seethammadhara, Visakhapatnam-530 022.
38. Nethala Yesuratnam,
S/o.Novahu (Late),
Aged about 63 years,
Retd. Foreman, Cin No.83839,
R/o. D.No.6-48, Prasanthi Nagar, Vepagunta,
Visakhapatnam-530 047.
39. Rudraraju Krishnamurthy Raju,
S/o.Venkata Raju (Late),
Aged about 67 years,
Retd. Chargeman-I, Cin No.82972,
R/o. D.No.E-5, Panchavati Township,
Akkireddypalem, BHPV Post,
Visakhapatnam-530 012.
40. Vazhajil Unni Ravi,
S/o.P.N. Kumaran (Late),
Aged about 62 years,
Retd. Foreman, Cin No.81031,
R/o. Punnothankathu House, Anchiry,
ThodupuzhaiDukki, Kerala – 685585.
41. Nakka Nageswara Rao,
S/o.Surya Rao (Late),
Aged about 62 years,
Retd. Foreman, Cin No.81461,
R/o.Flat .No.102, Varalakshmi Residency,
Balaji Gardens RRV Puram,
Visakhapatnam-530 029.
42. Vampolu Adinarayana,
S/o.Satyanarayana (Late),
Aged about 63 years,
Retd. Foreman, Cin No.83129,
R/o. D.No.19-242, Sri Sai Madhavanagar,
Vepagunta, Visakhapatnam-530 047.
43. Maniyezhathu Kochumakker Shajahan,
S/o.Maniyezhathu Kochumakker (Late),
Aged about 63 years,
Retd. Foreman, Cin No.81494,
R/o. Maniyezhathu House, Veyalar Post,
Cherthala Alleppy, Kerala - 688536.
44. Rongali Sanyasi Naidu,
S/o.Kollari (Late),
Aged about 65 years,
Retd. 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 about 62 years,

- Retd. Foreman, Cin No.82971,
R/o. D.No.8-56-1, Varalakshmi Nagar,
Vepagunta, Visakhapatnam-530 047.
46. Kodati Durga Prasad,
S/o.Venugopala Rao (Late),
Aged about 61 years,
Retd. Foreman, Cin No.82071,
R/o. D.No.10-85/15, Vijaya Enclave,
Gayatrinagar, PM Palem,
Visakhapatnam-530 041.
47. Maradepudi Demudu,
S/o.Sree Ramulu (Late),
Aged about 63 years,
Retd. Foreman, Cin No.83138,
R/o. D.No.14-381, Lakshmi Nagar,
Gopalapatnam, Visakhapatnam-530 027.
48. Dasari Sudhakar,
S/o.Sivaramayya (Late),
Aged about 63 years,
Retd. Chargeman-I, Cin No.81522,
R/o. D.No.26-23-2, Chaitanya Nagar,
Old Gajuwaka, Visakhapatnam-530 026.
49. Movva Siva Nageswara Rao,
S/o.Pitchaiah (Late),
Aged about 63 years,
Retd. Foreman, Cin No.81520,
R/o. D.No. 26-23-5-1/3, Chaitanya Nagar,
Old Gajuwaka, Visakhapatnam-530 026.
50. Vobbilisetty Mahendra,
S/o.VSN Murthy (Late),
Aged about 62 years,
Retd. Foreman, Cin No.81524,
R/o. D.No.49-26-61, Madhura Nagar,
Visakhapatnam-530 016.
51. Prasada Vijaya Saradhi,
S/o.Pentayya (Late),
Aged about 63 years,
Retd. Foreman, Cin No.81531,
R/o. D.No.4-155/4, Ajantha Park, RRV Puram,
Visakhapatnam-530 029.
52. Puthan Purayil Balan,
S/o.Panniot Kelan (Late),
Aged about 62 years,
Retd. 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 about 63 years,
Retd.TA, Cin No.84320,
R/o. D.No.19-170 Sector-II,





54. Sri Sai Madhava Nagar,
Vepagunta, Visakhapatnam-530 047.
Kottoju Appalachari,
S/o.Chandrayya (Late),
Aged about 65 years,
Retd. Chargeman-I, Cin No.83594,
R/o. D.No.19-135, Sri Sai Madhava Nagar,
Sector-II Vepagunta,
Visakhapatnam-530 047.
55. Paliseti Manohar,
S/o.Sri Rama Murthy (Late),
Aged about 61 years,
Retd. Foreman, Cin No.84951,
R/o. D.No. 19-190, Sri Sai Madhava Nagar,
Sector-II Vepagunta,
Visakhapatnam-530 047.
56. Kollabathula Peddi Raju,
S/o.Mahankali (Late),
Aged about 67 years,
Retd. Asst. Foreman, Cin No.81362,
R/o. D.No.55-6-41, Ambedkar Colony,
Isakathota, Visakhapatnam-530 022.
57. Krishna Chandra Bhanja,
S/o.Ananda Bhanja (Late),
Aged about 61 years,
Retd. Foreman, Cin No.84245,
R/o. Flat.No.45&46,
Sri Sai Lakshmi Haritha Residency,
Jyothinagar, Marripalem,
Visakhapatnam-530 018.
58. Katumuri Appa Rao,
S/o.Appala Swamy (Late),
Aged about 65 years,
Retd. Chargeman-I, Cin No.82917,
R/o. D.No.36-94-279/7, Arundathi Nagar,
Visakhapatnam -530 008.
59. Balla Narasinga Rao,
S/o.Ramana (Late),
Aged about 63 years,
Retd. Chargeman-I, Cin No.81529,
R/o. Flat.No.305, Sai Leela Residency, KRM Colony,
Seethamma Dhara, Visakhapatnam-530 013.
60. Barla Sampath Kumar,
S/o.Govinda Rao (Late),
Aged about 63 years,
Retd. Foreman, Cin No.83155,
R/o. D.No.6-10-32, Peethala Veedhi Down,
Chinna Waltair, Visakhapatnam-530 017.

..... Applicants

AND

1. The Union of India rep. by its 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 Applicants : Mr. Dr. P.B. Vijay Kumar, Advocate
Counsel for the Respondents : Mr.M. Brahma Reddy, Sr. PC for CG

CORAM

Hon'ble Mrs. Minnie Mathew, Member (Admn.)

ORAL ORDER

{Per Hon'ble Mrs. Minnie Mathew, Member (Admn.)}

Heard Mrs. Praseena laxmi representing the counsel for the applicant and Mr. Bheem Singh representing the learned Standing Counsel.

2. MA.311/2017 for filing single OA is allowed.
3. The applicants have filed the OA seeking the following relief:-

“to direct the respondents to extend and pay the overtime allowance in terms of Section 59 of the Factories Act w.e.f. 01.01.2006 (effective date VI Pay Commission Revised Pay Scales) with interest thereon by implementing the directions of this Tribunal in OA. No.115/2013 dated 07.12.2015 and direct pass such other relief or reliefs as this Honourable Tribunal may deem fit just and necessary in the circumstances of the case.”



4. The applicants submit that they were Chargemen at the Naval Dockyard Visakhapatnam under the control of the 4th Respondent. They contend that they come within the definition of Works in the Factories Act and are eligible for Overtime Allowance as per Section 59 of the Factories Act. However the Respondents have treated them as Supervisors and have paid them OTA as per Section 64 of the Factories Act. The applicants point out that this Tribunal has already issued a direction for extension of over time allowance in terms of Section 59 of the Factories Act in OA.115/2013. The applicants contend that they are similarly situated to the applicants in the aforesaid OA and should be extended the same relief.

5. Learned counsel for the applicants submits that the Eastern Naval Command Employees Union has already submitted Annexure-VI representation dated 24th January 2016 to the 4th respondents for extending over time allowance to the Chargemen in terms of Section 59 of the Factories Act and that the applicants herein are members of the Union. She also drew attention to Annexure-AVII representation dated 02.06.2016 submitted by the first applicant for requesting extension of over time allowances as per section 59 the Factories Act 1948 at double the actual rate from 01.01.2006 to 30.06.2014 and pay the arrears at the earliest. It was submitted that all other applicants are similarly situated. She also submits that the respondents have not taken any action on the said representations.

6. In this view of the matter, the OA is disposed of at admission stage with a direction to the respondents to consider the pending representations and also to treat this OA as a representation and pass a reasoned and



speaking order in accordance with the rules and law and communicate the same to the applicants within a period of two months from the date of receipt of a copy of this order.

7. Accordingly, the OA is disposed of . No order as to costs.

प्रमाणित प्रत
CERTIFIED TRUE COPY
केस संख्या CASE NUMBER. OA 350/17
निर्णय का तारीख DATE OF JUDGEMENT. 2/5/17
प्रति सौंपा दिनांक मिला COPY MADE READY ON. 11/5/17


Section Officer / Court Officer
केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
हैदराबाद न्यायालय/Hyderabad Bench

"Free Copy U/R 22 of
CAT (Procedure) Rules"