

(6)

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. DA-1707/88

Date: 25.5.1990.

Shri Kanta Prasad & Drs. Applicants

Versus

Union of India through
Chairman, Central Board
of Direct Taxes, New
Delhi. Respondents

For the Applicants Shri R.K. Kamal, Advocate

For the Respondents Shri R.S. Aggarwal, Advocate

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri D.K. Chakravorty, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporter or not?

(Judgement of the Bench delivered by Hon'ble
Shri D.K. Chakravorty, Administrative Member)

are

Seven of the applicants ^{are} working as Typists in the Office of the Commissioner of Income Tax, Agra, while two others are working as Electricians in the said Office. Their grievance is that though they have been working for 5-9 years in their respective posts, they are not being granted the minimum of the scales applicable to the posts of Typist and Electrician. They have also not been regularised in their respective posts. During the hearing of the case, the learned counsel for the applicant stated that he does not press the prayer for regularisation of the services of the applicants at this stage, and that the relief sought is confined to the grant of minimum of the scales applicable to these posts.

2. The respondents have admitted in their counter-affidavit that the applicants had been engaged continuously

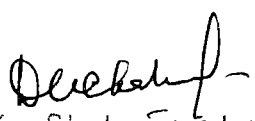
for a number of years but are being paid only daily wages. They have, however, denied that the applicants were employed in regular Group 'C' posts of Typist and Electrician. According to them, there are no posts of Electricians in their Office. The applicants were employed as daily-rated workers for doing work of a casual nature like Chowkidars, Fanash, Waterman, Messengers, etc. Typing work and minor electrical repair work are merely in addition to the duty performed by them on casual basis.

3. We have gone through the records of the case and have heard the learned counsel for both the parties. The fact that there are no regular posts in which the applicants could be accommodated, does not justify the non-payment of regular pay-scale to the applicants who have worked for several years. The decisions of the Supreme Court in U.P. Income Tax Department Contingent Paid Staff Welfare Association Vs. Union of India, 1988 (1) ATLT SC 1, is directly in point. In that case, the contingent paid staff of the Income Tax Department who had worked for a number of years, were being paid wages as daily-rated labourers lower than the salary and allowances which Class IV employees of the department had been drawing. The Supreme Court allowed the writ petition and directed the respondents to pay wages to those who are doing the work of Class IV employees at the rates equivalent to the minimum pay in the pay-scale of the regularly employed workers in the corresponding cadres, without any increments, w.e.f. 1.12.1986. The Supreme Court referred to its earlier decisions in Daily-rated casual labour employed under P. & T. Department vs. Union of India & Others, JT 1987 (4) S.C. 164.

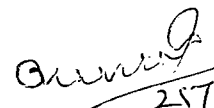
4. Following the ratio in the case of U.P. Income Tax Department Contingent Paid Staff Welfare Association, we hold that all the applicants before us are entitled to be

paid the minimum of the pay-scale of Typist/Electrician of regularly employed staff of the said category. In the facts and circumstances of the case, we do not direct payment of back wages to them. The respondents shall comply with the above directions within a period of one month from the date of communication of this order.

The parties will bear their own costs.


(D.K. Chakravorty)
Administrative Member

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(P.K. Kartha)
Vice-Chairman (Judl.)

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