

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00151/2020

HYDERABAD, this the 12th day of April, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



- 1 . Ch.Arun Kumar, S/O Rajaiah, Aged About 31
Occupation Field Investigator, In O/O DDG,
NSSO (FOD) Hyderabad
H.No: 6-1-136,1st Floor,
Opp: Z.P Guest House,
Subhash Nagar, Dist:Nizamabad
Telangana-503002
2. N.Rajender, S/O-Chandraiah, Aged About 33
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad.
H.No-7-24/A,BC Colony,
Vill:Kannala, Mdl:Palakurthy
Post:Basant Nagar, Dist:Peddapally,
Telangana-505187
- 3 . E.Shiva Kumar, S/O Boomaiah, Aged About 34
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No-3-75, Angadi Bazar,
Vill&Mdl: Luxettipet, Dist: Mancherial,
Telangana -504215
- 4 . Challa Madhukar ,S/O Thirupati, Aged About 32
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:2-52,Vill Rajannapet,
Mdl: Yellareddy pet,
Dist Rajanna Siricilla,Telangana 505305.
- 5 . M.Tirupati Naidu, S/O Satyamnaidu(Late), Aged About **40**
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
Vill:Allupalteru, Post:Palteru,
Mdl:Badangi, Dist:Vijayanagaram,
Andhra Pradesh-535578
- 6 . Kailash Rathod ,S/O Venkatram Rathod, Aged About **39**
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:1-83, Vill: Anarpally,

Mdl: Kerameri , Dist: Komarambheem Asifabad,
Telangana -504293



7. Gopu Sateesh, S/O Rama Swamy, Aged About 34
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No.6-9-239,Kotha Colony,
Dhamasalapuram,
Khammam,Telangana-507003
- 8 . C Manohar Reddy,S/O Govardhan Reddy, Aged About 36
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:1-30,Near Hanuman Temple
Vill:Daspally, Mdl: Telkapally,
Dist: Nagarkurnool,Telangna-509385
9. Kaja Srinivasarao, S/O Venkateswararao (Late), Aged About 34
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No.6-471/1, Flat No.2, Hmt Road,
Dwaraka Nagar, Chintal,
Mdl:Quthbullapur,
Dist:Medchal ,Telangana- 500054
10. Sudhakar Jaladi,S/Okotaiah, Aged About 28
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
Vill:Gopavaram,Mdl:Konijerla,
Dist:Khammam,Telangana-507305
11. Sd.Ismail, S/O Sd.Osman, Aged About 31
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No: 2-30,Vill: Chittanoor,
Mdl: Marikal.
Dist:Mahabubnagar,Telangana-509409
12. P Sanjeev Kumar, S/o. Rajaiah, Aged About 33
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No: 4-90/7,Vill:Theegalaguttapalli,
Mdl& Dist:Karimnagar, Telangana-505001
13. Kursenga Vishnuvardhan,S/O. Lawman, Aged About 35
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
Dharmaram (Vill) Hazipur (Post & Mandal)
Mancherial Dist – 504 207
14. Rasoori Ramakrishna, S/O Rajanarsaiah, Aged About 35

Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No: 10-5-197/1, Street: Shivajinagar,
Kisannagar, Dist: Karimnagar, Telangana-505001



15. V.Aneel Kumar S/O.Chandraiah, Aged About 34
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad, H.No.1-1,Vill:Rudravaram ,
Mdl:Vemulawada Rural
Dist:Rajanna Siricilla,Telangana-505402.
16. Thota Krishna Rao, S/O T.Srinivas Rao (Late), Aged About 37
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad, H.No: 7-7-187, Kapuwada,
Vill&Mdl: Hanamkonda,
Dist: Warangal(Urban),Telangana-506001
- 17.Kondigari Buchaiah,S/O.Venkaiah (Late), Aged About 33
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad, H No.1-126 Vill:Arutla,
Mdl:Manchal, Rangareddy (Dist), Telangana-501506
18. J Raghupathy , S/O Saamya , Aged About 30
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H No :-3-51, Vill: Sarlaravulapally,
Mdl: Kandukur ,Post: Muchrrla,
Dist: Rangareddy Telangana 509358
19. B.Srinivasa Rao, S/O Ramulu, Aged About 31
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:1-09,Vill:Jankinagar,
Mdl:Chilkuru,Dist:Suryapet,
Telangana-508206
- 20 .L.Gopal Reddy,S/O.Ramakrishna Reddy, Aged About 34
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H. No:2-1,Vishwanath Poor Village,
Post:Thangalapally,Mdl:Kondurg,
Ranga Reddy Dist,Telangana-509207
- 21.K.Srinivasa Rao, S/O.Venkateshwar Rao, Aged About 29
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
Vill:Kistaram,Post:Chinnakorukondu,
Mdl:Kalluru,Dist:Khammam,
Telangana-507209
22. D.Sunil Kumar,S/O.Devadar, Aged About 31

Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:3-57,Vill:Bramanpally,
Mdl:Madgul, Dist: Rangareddy
Telangana-509327



23. R. Venkatesh, S/O. Sathyanarayana, Aged About 29
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
Vill:Rapally, Mdl:Hajipur
Dist: Mancherla,Telangana– 504 207.
24. Batthina Divakar, S/O.Mohanarao, Aged About 28
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:1-155,Vill:Morampalli Banjar,
Mdl:Bhurgamphad,Dist,Bhadrachalam,
Telangana-507114
- 25.K Rakesh Babu,S/o K Veeranna, Aged About 32
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No 5-11/27a, Teachers Colony,
Vill& Man: Aiza,Dist: Jogulamba,
Telangana-509127
26. Tadaveni Kumaraswamy,S/O Ramulu, Aged About 29
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:1-149Vill:Endapally,Mdl:Velgatoor
Dist:Jagtial,Telangana-505526
27. S. Soujanya, D/O. Prathap Reddy, Aged About 27
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad,
H.No: 2-89/1, Thornal (Vill)
Siddipet (Man& Dist.),Telangana – 502 114
28. K. Srinivas,S/O. Yellaiah, Aged About 33
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No: 19-56/1
Adarshnagar, Prashanth Nagar,
Siddipet (Dist),Telangana – 502 103
- 29.Ch Thirupathi S/O Ramulu Aged About 28
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:2-44,Vill:Jannepally,
Man:Navipet,Nizamabad(Dist),
Telangana-503246

30. A.Rajendar s/o Chandraiah Aged About 29,
Occupation Field Investigator , In O/O DDG,
NSSO (FOD) Hyderabad
H.No:4-92,Vill:Kunaram
Mandal: Srirampur, Pedapally(Dist),
Telangana State

... Applicants



(By Advocate: Mr. K. Siva Reddy)

AND

Union of India rep. by

1. The Secretary to Govt of India,
Ministry of Statistics & Programme Implementation,
NSSO (FOD), Sankhyiki Bhawan, A Block,
5th Floor, GPOA Building, CBD Sahadara,
Karkarduma, NEW DELHI – 110032.

2. The Deputy Director General,
Ministry of Statistics & Programme Implementation,
NSSO(FOD), Zonal Office, Kendriya Sadan,
Koramangala, Bengaluru- 560034.

3. The Deputy Director General,
Ministry of Statistics & Programme Implementation,
NSSO(FOD) Regional Office, AP,(North) Region,
1st Floor, R & B Complex, AC Guards, Mahaveermarg,
Hyderabad-500 004.

... Respondents

(By Advocate : Mrs. K. Rajitha, Sr. CGSC)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



2. The OA is filed challenging the impugned order dt. 17.12.2019 rejecting the request of the applicants for fixing their pay on par with other similarly situated employees on the principle of 'equal pay for equal work' and regularization of their services. They also seek a direction to pay them the minimum scale of pay of Junior Statistical Officer or at least Rs.19,590/- per month and other allowances on par with other employees engaged for the same work by the private agency from 01.01.2018.

3. Brief facts of the case are that the applicants were engaged on contract basis through an advertisement after due selection in the year 2008-2009 and the contract was extended up to 2014 in different spells. Later, when the respondents proposed to engage persons on contract basis through a private agency, applicants approached the Tribunal and obtained stay. However, in the year 2018, respondents have paid higher wages to those engaged through private agency and less to the applicants. When the same was challenged in OA 438/2019, on the directions of the Tribunal dt.29.10.2019, the representation submitted, was disposed vide impugned order dt. 17.12.2019 rejecting the relief sought and hence the OA.

4. The contentions of the applicants are that they were engaged on contract basis by giving artificial breaks violating the legal principles laid down the Hon'ble Apex Court in *Nihal Singh v State of Punjab*, (2013) 14

SCC 65 and in *The Secretary, State of Karnataka v. Uma Devi*. Continuing the applicants on contract basis for several years is against the law laid down by the Hon'ble Supreme Court in *Harjinder Singh v Punjab Warehousing Corporation (2010) 3 SCC 192*. The applicants are discharging the same duties as are being done by the regular employees and those engaged through private agency. The principle of equal pay for equal work was not followed. Articles 14, 16 and 21 of the Constitution have been violated. Applicants submitted other judgments of the superior judicial fora in support of their contentions.



5. Respondents through their reply state that the applicants were engaged as Field Investigators on contract basis in 2008-2009 by due selection process, purely on a temporary basis with consolidated pay with the proviso that they are not eligible for regularisation and thereafter, engaged on contract basis for certain specific periods with the latest contract engagement which came to an end on 15.7.2017. As per General Financial Rules (GFR) 2017, the requirement of manpower in respect of Field Investigators was outsourced to private agencies. The Field Investigators were used against the vacant posts of Junior Statistical Officers (JSO) and that there is no post of Field Investigator. Regular JSOs have been recruited through Staff Selection Commission and the applicants have become surplus, but continued based on the interim order of the Tribunal on 7.7.2017 in OA 534/2017. The job of JSOs is different from that of Field Investigators and hence, concept of equal pay for equal work will not apply. Identical matter is pending in the Hon'ble Apex Court

wherein directions were given to continue the contract engagement until further orders.

6. Heard both the counsel and perused the pleadings on record.

7. I. The dispute is about paying lower wages and not regularising



the services of the applicants. Facts of the case reveal that the applicants were engaged on contractual basis with consolidated pay on temporary

basis by following due process of selection of advertisement, interview etc.

It was made clear that the applicants are ineligible for regularisation as per

the terms of contract. Applicants contend that engaging the applicants for

long periods through broken spell is against law laid down by the Hon'ble

Apex Court in cases cited at para 4 above. Respondents claim that since it is

a contract employment, regularisation is not feasible. Further, regular JSOs

have been appointed and the applicants are being continued in view of the

interim order of the Tribunal on 7.7.2017 in OA 534/2017. Invoking GFR-

2017, respondents have engaged a private agency to engage Field

Investigators to get the work done and wages paid to them is as per rules in

vogue. The work of the JSO and that of the Field Investigators is different

and hence, the principle of equal work equal pay does not arise. We do not

agree with this contention since the applicants are seeking parity in wages

with those engaged through the contract agency and not the pay of a JSO.

However, as fairly admitted by the respondents, an identical matter is

pending adjudication before the Hon'ble Apex Court in SLP No. 024439-

024442, filed by the Union of India challenging the judgment of the

Hon'ble High Court of Himachal Pradesh at Shimla in CWP No. 3274 of

2010 a/w. CWP No. 3278 of 2010 dt.22.08.2016. The Hon'ble Apex Court

vide order dt. 4.9.2018 has directed to continue the contractual engagement as an interim measure, until further orders. The order of the Hon'ble Apex Court reads as under:



“In the meanwhile, there shall be stay of operation and implementation of the impugned judgment, subject to the following conditions:-

(1) The private respondent(s) shall be continued on contract basis until further orders.

(2) The respondent(s) shall be permitted to participate in the upcoming examination for selection to the post of Junior Statistical Officer with relaxation of age.

The required other formalities for participating in the examination shall be completed within another four weeks.

This order is passed in the peculiar facts of this case and the same may not be treated as a precedent.”

II. The aspect of contractual engagement is under adjudication by the Hon'ble Apex Court and hence, it would not be judicially appropriate for this Tribunal to take any view in the matter. Therefore, respondents are directed to grant relief to the applicants based on the Hon'ble Apex Court final order in the cited SLP. Till then, the applicants shall be continued to be engaged on contractual basis as per extant rules and law.

With the above direction, the OA is disposed of, with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

evr