

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing



T.A.61/06774/2020 (SWP No.1936/2003)

This the 21st day of January, 2021

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

Bimla Kumari W d/o Late Ram Lal, 34 yrs, R/o Bagh-o-Baghu, Tehsil & District, Jammu aged 35 yrs.

.....Applicant
(Advocate: None present)

Versus

1. Inspector General of Police, Traffic Jammu (J&K).
2. Superintendent of Traffic Police, Canal Road, Jammu.
3. State of J&K through Additional Secretary Home Department, Civil Secretariat, Srinagar.
4. Mohd. Shafi (M) 2796 NGO, C/o Traffic Police, Srinagar.

.....Respondents
(Advocate: Mr Sudesh Magotra, D.A.G.)

O R D E R
[O R A L]

Justice L. Narasimha Reddy, Chairman: -

The applicant was engaged as Safaiwala in the Traffic Police Station, Jammu. Through an order dated 09.11.2002, on a consolidated pay of Rs.800/- per month. From 21.09.2002 to 30.10.2002, similar order was passed in the month of November also. The applicant filed SWP No.1936/2003, stating that the daily wages prevailing at the relevant point of time was Rs.60/- per day and instead of paying the emoluments at that rate, the respondents have paid the salary of Rs.800/- per month. She claimed the relief in the form of a direction to pay emoluments at Rs.60/- per day as daily wages.

2. The respondents filed a counter affidavit stating that the engagement was purely on need basis and the emoluments were fixed as per the procedure in vogue.

3. The Writ Petition has since been transferred to this Tribunal in view of reorganization of the State of Jammu and Kashmir and renumbered as TA.No.6774/2020

4 Today, there is no representation on behalf of the Applicant. We heard Mr.Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

5. On face of it, the Writ Petition was not maintainable. The reason is that in case, the applicant is of the view that the minimum wages are not paid to her, she was required to approach the authority under Minimum Wages Act. Having accepted the offer on consolidated pay of Rs.800/-, she cannot insist on payment of emoluments on daily wages.

6. We do not find any merit in the TA and the same is accordingly dismissed. There shall be no order as to costs.

(PRADEEP KUMAR)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN

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