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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA

No. O.A. 350/00190/2021
M.A. 350/00068/2021

Date of order: 5.5.2021

Present : Hon'ble Dr. Nandita Chatterjee, Administrative Member

1. Gopal Das,
Son of Babulal Das,
Aged about 40 years,
Residing at Dankuni,
I No. Railgate,
Panchanantala,
Howrah,
Pin - 712311.
2. Raja Hari,
Son of Sanatan Hari,
Aged about 37 years,
Residing at 34, J.B. Road,
Kolkata - 700 036.
3. Badal Kundu,
Son of Haridhan Kundu,
Aged about 74 years,
Residing at
52, Sovabazar Street,
Kolkata - 700 005.
4. Sahadeb Das,
Son of Peru Das,
Aged about 56 years,
Residing at Bidhan Sarani,
Kolkata - 700 004.
5. Lakshmi Das,
Son of Mangal Ch. Paul,
Aged about 55 years,
Residing at
39/A, Canal West Road,
Kolkata - 700 004.

6. Bharati Mondal,
Son of Makhan Bisui,
Aged about 60 years,
Residing at
Chirrand Jala Para Janai,
Chanditala - II,
Hooghly,
Pin - 712304.
7. Ashoke Banerjee,
Son of Sukumar Banerjee,
Aged about 60 years,
Residing at 23, Kedarnath Bhattacharjee lane,
Kolkata - 700 036.
8. Mrityunjoy Das,
Son of Sushil Das,
Aged about 38 years,
Residing at 13A, P.K. Tagore Street,
Kolkata - 700 006.
9. Ratan Behera,
Son of Nabkishore Behera,
Aged about 54 years,
Residing at 16/1, Sreemani Para,
Kolkata - 700 036.
10. Namita Balmiki,
Daughter of Sukranjan Shil,
Aged about 35 years,
Residing at Nandankanan Chanditala - II,
Dankuni, 712311.
11. Akshya Das,
Son of Subal Das,
Aged about 64 years,
Residing at 166/1A, Ahiritala Street,
Kolkata - 700 005.
12. Ram Chandra Ram,
Son of Dharam Singham,

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Aged about 74 years,
Residing at 116/3,
Anandapalit Road,
Kolkata - 700 014.

13. Lakshman Rabi Das,
Son of Fagu Rabi Das,
Aged about 56 years,
Residing at 4 No.
Sarbamangla Lane,
Mandal Para,
Kolkata - 700 002.


14. Basanti Devi,
Daughter of Nanku Rabi Das,
Aged about 45 years,
Residing at 4 No.
Sarbamangla Lane,
Mandal Para,
Kolkata - 700 002.

15. Prabir Majumder,
Son of Pradip Kumar Majumder,
Aged about 50 years,
Residing at
340 Canel Side Road,
West Pansila,
Post of Pansila,
Kolkata - 700 112.

16. Raju Mondal,
Son of Garidhari Mondal,
Aged about years,
Residing at 27/2,
Vivekananda Road,
Kolkata - 700 035.

All are working as Daily Rated Mazdoor in the
Office of the North Kolkata Division, Department
Of Posts.

..... Applicants



- VERSUS -

1. Union of India,
Through the Secretary,
Ministry of Communication,
Department of Posts,
Dak Bhawan,
New Delhi - 1.
2. The Chief Post Master General,
Yogayog Bhawan,
C.R. Avenue,
Kolkata - 700 012.
3. The Senior Superintendent Of Post Offices,
North Kolkata Division,
Kolkata - 700 037.

... Respondents

For the Applicants : Mr. A. Chakraborty, Counsel

For the Respondents : Mr. S.P. Shaw, Counsel

ORDER (Oral)

Dr. Nandita Chatterjee, Administrative Member:

The applicants, who are reportedly Part Time Casual Labourers (Daily Rated Mazdoor), have come together in the instant Original Application praying for the following relief under Section 19 of the Administrative Tribunals Act, 1985:-

- "(a) An order do issue directing the respondents to grant the benefit of Office Memorandum dated 22.01.2015 issued by Department of Posts, Government of India in favour of the applicants and also to pay the remuneration as per Para 11 of the said memorandum with effect from 01.01.2006 and to grant arrears.
- (b) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT (Procedure) Rules, 1987."

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2. Heard both Ld. Counsel, examined documents on record. This matter is taken up for disposal at the admission stage.

3. An M.A. bearing No. 350/00068/2021 has been preferred by the applicants for joint prosecution of this Original Application. On being satisfied that the applicants share a common grievance, common interest and common cause of action, the M.A. is allowed, subject to payment of individual court fees.

4. Ld. Counsel for the applicant would submit, in brief, that the applicants are working as Part Time Casual Labourers (Daily Rated Mazdoor) with the office of the respondent authorities, and, would, cite Annexure A-1 to the O.A. in the context of one Basanti Devi, applicant No. 14, to establish his claim that the respondents have recognized the applicants as Part Time (Sweepers).

That, Office Memorandum dated 22.1.2015 of the Department of Posts (Annexure A-2 to the O.A.), laid down the following in the context of remuneration payable to Part Time Casual Labourers:-

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No. 2-53/2011-PCC
Government of India
Ministry of Communication & IT
Department of Posts

Dak Bhavan, Sansad Marg,
New Delhi - 110 001

Dated: 22 Jan, 2015

OFFICE MEMORANDUM

Sub: Remuneration payable to Full Time Casual Labour (Other than Temporary Status)/Part Time Casual Labour/Workers engaged on contingency basis.

The issue of remuneration payable to Full Time Casual Labourers (Other than Temporary Status) and Part Time Casual Labourers has been under consideration of the Department for quite some time. The matter has been examined in consultation with the Nodal Ministries/Departments

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and it has been decided, that the remuneration payable to casual labourers would be as under:-

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(ii) So far as Part Time Casual Labourers are concerned, their wages would be calculated on pro-rata basis, in terms of hours of duty put in, with respect to the minimum of Pay Band - 1 (Rs. 5200-20200) i.e. Rs. 5200 plus a Grade Pay of Rs. 1300/- and Dearness Allowance as admissible from time to time. In addition the benefit of merger of 50% of dearness allowance would also be admissible in terms of DoPT O.M. No. 49014/5/2004-Estt(C) dated 31.5.2004.

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Sd/-
(Surender Kumar)
Asstt. Director General (GDS/PCC)"

Ld. Counsel would insist that as the applicants have been recognized as Part Time Casual Labourers, they are entitled to the benefits as contained in the instructions in the said Office Memorandum, and, that, the applicants had accordingly prayed on 3.9.2019 as well as on 21.2.2020 (Annexure A-3 to the O.A. collectively) requesting for such entitlements. As the respondents, however, have failed to respond to their prayers, being aggrieved, the applicants have jointly approached this Tribunal praying for the aforementioned relief.

5. Ld. Counsel, Mr. S.P. Shaw, submits that he has no instructions, but would not object if directions are issued to decide on the representations, in accordance with law.

6. Accordingly, without entering into the merits of the matter, and, with the consent of the parties, the addressee respondent authority or any other competent respondent authority is directed to examine the contents of the



representations at Annexure A-3 to the O.A. collectively in accordance with law, and, particularly, in the light of Department of Posts', Office Memorandum dated 22.1.2015. The respondents shall convey their decision in the form of a reasoned and speaking order within a period of 12 weeks from the date of receipt of a copy of this order.

In the event, the applicants' claims are found to be justified, respondents shall take steps to disburse the benefits with effect from their admissible dates of entitlement.

7. With these directions, the O.A. is disposed of.

M.A. is disposed of in terms of directions in para 3 above subject to payment of individual court fees.

(Dr. Nandita Chatterjee)
Administrative Member

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