

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ( ALLAHADAD BENCH) ALLAHADAD.

Case No.

File No.

661/90

OF 199

Date of decision: 23-3-93

.....Petitioner

.....Advocate for the petitioner.

Versus

.....Respondents.

.....Advocates for the Respondent(s)

CORAM :-

The Hon'ble Mr. Justice W.C. Naqvi, V-C

The Hon'ble Mr. K. Jayyus, A.M.

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

Signature

NAQVI/

(7)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,  
ALLAHABAD.

O.A. No. 661 of 1990.

Union of India & others ..... Applicants

Versus

Kaptan Singh ..... Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

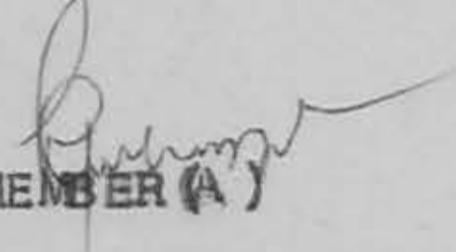
Hon'ble Mr. K. Obayya, A.M.

(By Hon'ble Mr. Justice U.C. Srivastava, V.C.)

The respondent no.1 filed an application under section 33C(2) of Industrial Disputes Act claiming a sum of Rs.51,842-40P with interest before the Labour Court claiming that he was continuously working as casual labourer from 13.7.83 to 5.11.83 and has thus acquired temporary status and he was paid only daily rated wages whereas he was entitled to CTC Scale for the period.

He also claimed a sum of Rs.1,380/- by way of difference of wages @ 340/- p.m. for the aforesaid period and Rs.2760/- at the same rate for the period from 6.9.83 to 5.5.84 and Rs.47,702-40P @ 993-80P for the period 6.5.84 to 5.5.88. According to him, the Railway Administration stopped giving work to him. The case was contested on behalf of the Union of India and the Labour Court vide its order dated 1.12.89 partly allowed the claim for a sum of Rs.1403/- as difference of wages for the period from 4.1.84 to 5.5.84 as the respondent no.1 would be deemed to have acquired temporary status w.e.f. 4.1.84. Even before the Labour Court on behalf of the applicant i.e. the Union of India it was contested that the claim was beyond the scope of section 33C(2) of Industrial Disputes Act and the Labour Court had no jurisdiction to decide the same and thereafter to compute it in money terms

and it was also beyond the scope of the Labour Court to decide that a person, who attained temporary status by working for a particular period, was entitled to pay scale. The Labour Court came to the conclusion that the respondent no.1 continuously worked from 6.9.83 to 5.5.84 and prior to 6.9.83 he had not worked continuously for 120 days. It was in these circumstances that the Labour Court presumed that he will be deemed to have acquired temporary status and became entitled to CPC scale. This was beyond the jurisdiction of labour Court which it could not do so under section 33C (2) of Industrial Disputes Act. As such the application has got to be allowed and the award dated 1.12.89 is quashed. No order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

DATED: MARCH 23, 1993

(ug)