

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 18 OF 1989.
Case No.

DATE OF DECISION 5.10.1993.

Laxman Purna & Ors. Petitioner(s)

Mr. D.M. Thakkar, Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondent(s)

Mr. R.M. Vin. Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R.C. Bhatt, Judicial Member.

The Hon'ble Mr. M.R. Kolhatkar, Admn. Member.

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

1. Laxman Purna
2. Nakul Priti
3. Anto Paldhar
4. Ghanshyam Dhubleswar
5. Udhaya Mada Guddu
6. Gundhar Suru
7. Narno Jaising
8. Birla Baburam
9. Viraswami Kupan
10. Chero Sarkari
11. Maharaji Paldhar
12. Kunti Durjan
13. Sakuntla Bhasker
14. Chandra Pankaj
15. C.A. Sarkari
16. Chilai Marumuttu
17. Bina Lambarsingh
18. Kasima Priswami
19. Kumar Kutty
20. Bhaskaro Karuna
21. Bhagat Balik
22. Vedesi Ramkaro
23. Shashi Ramkaro
24. Rupa Sundarsang
25. Trinath Dhama
26. Hira Potta
27. Prabha Padu
28. Kunti Ujbo
29. Mukta Mahadev
30. Chhabiram Bago

All C/p. C.P.W.I. Office,
Western Railway,
Surat.

..... Applicants.

(Advocate: Mr.D.M. Thakkar)

Versus.

1. Union of India
(Notice to be served through
The General Manager,
Western Railway,
Churchgate, Bombay.)
2. The P.W.I.,
P.W.I.'s office,
Western Railway,
Surat Railway Station,
Surat.
3. The Assistant Engineer,
Western Railway,
Surat Railway Station,
Surat.

..... Respondents.

(Advocate: Mr. R.M. Vin)

..... 3/-

ORAL ORDER

O.A.No. 18 OF 1989

Date: 5-10-1993.

Per: Hon'ble Mr. M.R.Kolhatkar, Admn. Member.

This is an Original Application from Laxman Purna, Mate and 29 others, all Casual Labourers attached to CPWI's Office asking for the following reliefs:

"7. The applicants, therefore, pray that :-

- (A) YOUR HONOUR be pleased to direct the respondents to
 - (i) pay the outstanding dues of monthly salary for the months of June & August;
 - (ii) pay the arrears of salary towards the difference of salary at the rate of Rs.1181/-p.m. till today;
 - (iii) pay the house-rent allowance & city allowance to the applicants; and declare that the applicants are entitled to the monthly salary at the rate of Rs. 1181/- at par with other Casual Labours;
- (B) YOUR HONOUR be pleased to direct the respondents to forthwith make payment of the salary for the months of June and August pending admission, hearing and final disposal of this application;
- (C) YOUR HONOUR be pleased to direct the respondents to pay the arrears of the salary at the rate of Rs. 1181/- p.m. at par with other Casual Labours pending admission, hearing and final disposal of this application; and
- (D) YOUR HONOUR be pleased to grant any other further reliefs, as are deemed fit, in the interest of justice;"

2. It is the case of the applicants that they are casual labourers working for more than 10 years under PWI, Western Railway, Surat and are entitled to allowances including House Rent Allowance, City Allowance and other benefits as are admissible to the casual labourers posted in the City of Surat, as Surat is their headquarters. It is contended by the applicants that they have not been paid salary for the two months of June 1988 and August 1988 and that for the period from June to October 1988, they have been paid allowances at a lower rate so that their total emoluments come to Rs. 897/- per month as against Rs. 1181/- per month which are being paid to other casual labourers. The applicants have contended that this action of the respondents of not paying the salary for two months and of paying allowances at a lower rate is discriminatory and violative of Articles 14 & 16 of the Constitution of India and also against the directive principle of "equal pay for equal work". The respondents have filed a detailed reply and stated that applicants are working as Casual Labourers since 3.10.1985 and not 10 years as alleged, they have also enclosed pay sheets of the Chief Permanent Way Inspector ^{20th} for the period ~~20th~~ June to 20th July, 21st July to 20th August and 21st August to 20th September, 1988. The respondents have contended that payment of salary

for the months of June 1988 and August 1988 has been made. So far as the payment of allowances at a lower rate is concerned, respondents have stated that during the period from 21.6.88 to 20.10.88 the applicants who were earlier working under PWI Surat were shifted to work under Chief Permanent Way Inspector, Navsari and since Navsari falls under 'C' class as against Surat which falls under 'B' class, the applicants were paid the city allowance at the lower rate permissible for Navsari. It is also stated by the respondents that the amount of House Rent Allowance was paid at the rate of 70% as they have been provided with Railway huts and tents.

3. We have heard the learned advocates for both the parties. The learned advocate Mr. D.M.Thakkar for the applicants conceded that the pay register shows payment of salary for the months of June 1988 and August 1988 and the prayer in this regard does not survive. So far as the payment of House Rent Allowance and City Allowance at the rates applicable to Navsari rather than the rates applicable to Surat is concerned, he has invited our attention of Annexure A to the application which is a letter dated 3rd August, 1988 from DRM(E) Baroda addressed to Chief Permanent Way Inspector, Navsari in which it is specifically stated

that Western Railway Mazdoor Sangh, Secretary of Udhna Branch had made a complaint regarding casual labourers of the two gangs namely, Kesho Mate and Laxman Mate not being paid City Allowance of the B class city as permissible for Surat. He has directed the CPWI to verify and arrange to pay them the difference. In the face of this annexure, the respondents in para 11 of the reply have categorically stated that no complaint regarding non-payment or any other grievance was received from the applicants either by the Chief Permanent Way Inspector, Navsari or Assistant Engineer, Surat nor was any oral representation received. This categorical statement is difficult to accept in the face of Ann. A to the application. The contention of the applicants is that although they are temporarily working at Navsari, their headquarters being Surat, they are entitled to the City allowance as for a B class City. This point regarding Surat as headquarters has also not been dealt with by the respondents in their reply.

4. Considering the pleadings and arguments and the discussions above, we are of the view that this application can be disposed of by issue of an appropriate direction to the railway administration. We therefore, pass the following order:

O R D E R

The respondent No.3, Assistant Engineer, Western Railway, Surat is directed to treat the application of the applicants Laxman Mate ~~consisting of~~ ^{plus} 29 Gangmen as a representation, limited to the point regarding payment from June to October 1988 of HRA and City allowance as for 'B' class city. Respondent No.3 should within two months of the receipt of this order pass a speaking order dealing with this point in relation to applicant casual labourers in question. He should also inform the applicants about his decision. In order to expedite the matter, the applicant may independently send a copy of the application to respondent No.3. The application is disposed of accordingly. No order as to costs.

M.R.Kolhatkar
(M.R.Kolhatkar)
Member (A)

Reh
(R.C.Bhatt)
Member (J)

vtc.