

B

NO
Regularisation

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 263 OF 1991
~~Ex. No.~~

DATE OF DECISION 26-2-1993.

Chavda Ratan Sinh, Petitioner

Mr. P.S. Chari, Advocate for the Petitioner(s)

Versus

Regional P.F. Commissioners & Ors. Respondent s

Mr. Akil Kureshi, Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. V. Radhakrishnan, 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 ? ✗

Chawda Ratan Sinh,
Hiralal Pranlal Chali
Behind New Civil,
Ahmedabad.

.... Applicant.

(Advocate: Mr.P.S. Chari)

Versus.

1. Regional Provident Fund Commissioner
Bhavishyanidhi Bhavan,
Near Income Tax Circle,
Ashram Road, Ahmedabad-14.
2. Union of India
through Ministry of Labour & Welfare
Shram Shakti Bhavan,
Parliament Street,
New Delhi.
3. Central Board of Trustees
through Central Provident Fund
Commissioner, 9th floor,
Mayur Bhavan,
Cannaught Circle, New Delhi. Respondents.

(Advocate:Mr. Akil Kureshi)

ORAL ORDER

O.A.No. 263/1991

Date: 26-2-1993.

Per: Hon'ble Mr. R.C.Bhatt, Judicial Member.

Heard Mr. P.S. Chari, learned advocate for the
applicant and Mr. Akil Kureshi, learned advocate for
the respondents.

2. The applicant was working as a Watchman from
17th November, 1986 at the Regional Provident Fund
Commissioner's Office at Ahmedabad, i.e., respondent
He He No.1. has filed this application seeking the relief
that the respondents be directed to regularise the
applicant and to pay him the wages of permanent
employee with retrospective effect from the date of
applicant's appointment.

3. The case of the applicant is that the nature of his work was permanent but he was paid at the rate of Rs. 18/- per day, though he was regularly working for eight hours a day. It is the case of the applicant that he should have been paid the same salary for the identical work which was being done by other permanent Watchman. The learned advocate for the applicant submitted that on the ~~said~~ principle of equal pay for equal work, the applicant was entitled to receive the wages of permanent employee in the grade prescribed and for regularisation of his services from the date of his appointment.

3. The respondents have not filed written statement but the respondents have produced today at Ann. R-1, two orders passed by them. The first order is a memorandum dated 10th December, 1991 by which ~~that~~ the applicant was regularised as peon from 3rd December 1991. The other order dated 11th March, 1992 is correction to the previous memorandum dated 10th December, 1991. The material portion of which reads as under:-

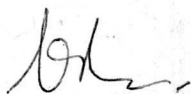
ms
"Accordingly the Memorandum No. GJ/ADMN.I/RECR/1966 dated 10th December, 1991 appointing Shri Ratansinh Chavda as Peon is hereby ordered to be amended and the words 'FCM/PEON' be read as 'WATCHMAN'. All other terms and conditions of the Memorandum shall remain unchanged."

The learned advocate for the applicant submitted that though the applicant has been regularised as Watchman, there is no order passed by the respondents giving him the salary or wages of a permanent employee from the date of the appointment. He, therefore, submits that the respondents should be directed to pay the applicant wages of permanent employee from the date of his appointment, which is 17th November, 1986. We have no material before us to hold as to whether the applicant was entitled to the claim from the date of his appointment. The applicant has also not produced any documentary evidence on this point. It would therefore ~~will~~ not be just and proper at this stage to direct the respondents to pay to the applicant the wages of permanent employee from 17th November, 1986 in absence of the proper material before us. The applicant is directed to make detail representation to the respondents to justify his claim for the wages of a permanent employee from the date of his employment. Hence we pass the following order.

ORDER

The applicant is directed to make a detailed representation to establish his claim of wages of a permanent employee from the date of his appointment i.e., from 17th November, 1986. The applicant to make this detailed representation to the respondent No. 1 within three weeks from today. The respondent No. 1,

on receiving such representation from the applicant,
to decide and dispose of the representation regarding
the applicant's claim within three months thereafter
by a speaking order and the applicant be informed
about the same. The applicant at liberty to approach
the Tribunal according to law if the ultimate order
on representation passed by the respondent No.1 is
adverse to him. The relief regarding regularisation
does not survive^{as} as the order is passed by the
respondents regularising the applicant as Watchman.
The application is disposed of. No order as to costs.



(V. Radhakrishnan)
Member (A)



(R. C. Bhatt)
Member (J)

vtc.