

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH**

O.A.No . OA/296/91
T.A.No.

Date of Decision: 24.3.99

Pravinbhai Ranchodbhai Valand & Ors. : Petitioner(s)

Mr.P.J.Patel : Advocate for the petitioner

Versus

Union of India & Ors. : Respondents

Mrs.P.J.Davawala : Advocate for the Respondent

CORAM

Hon'ble Mr. V. Radhakrishnan : Member(A)

Hon'ble Mr.P.C.Kannan : Member(J)

JUDGMENT

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 it needs to be circulated to other Benches of the Tribunal?

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1. Pravinbhai Ranchodbhai Valand
2. Pradeep Vishvasrao Bholerao
3. Ramchandra Vamanrao Joshi

Working in the Office of the Assistant
Superintendent Archaeological Chemist
Vadodara Zone, at Vadodara
...represented by their
Power-of-Attroncy holder
Shri Maganbhai Gordhanbhai,
Patel, Mansarovar,
Plot No.42/5705,Jaipur

: Applicants

Advocate:Mr.P.J.Patel

Versus

1. The Union of India,
Copy to be served on the
Secretary, Ministry of Human
Resources Development,
Sachivalaya, New Delhi.
2. The Director General,
Archaeological Survey of India,
Janpath, New Delhi-11,
3. The Director of Scoence,
Archaeological Survey of India,
Janpath, New Delhi-11
4. The Deputy Director of Science,
Archaeological Survey of India,
29,Kant Road,
Dehra Dun
5. They Dy.Suptdg.Arch.Chemist,
Over Cafe Karnataka,
Dandia Bazar, Vadodara.

: Respondents

Advocate:Mrs.P.J.Davawala

ORAL ORDER
OA/296/91

Date: 24.3.99

Per: Hon'ble Mr. V. Radhakrishnan

: Member(A)

Heard Mr. P.J. Patel and Mrs. P.J. Davawala, learned counsels for the applicants and the respondents respectively.

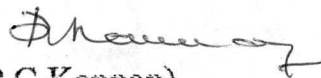
The applicants were working with the respondents. They were initially paid from 1.1.82 to 31.7.90 at the rate of Rs.34.50 per day, but suddenly thereafter, it was reduced to Rs.24.25 per day. The Tribunal in interim order dated 4.5.92 directed that the applicant No.2 & 3 (the applicant No.1 was already regularised by that time) should be paid at the rate of $1/30^{\text{th}}$ of the pay at the minimum of relevant pay scale effective from 1st May, 1992 till hearing of the OA. Mr. Patel states that the applicant has since been regularised and the period that is to be regulated is only from 1.8.92 to 30.4.92. Mr. Patel also points out that they were appointed in the scale of Rs. 196-3-220-EB-3-232 as at Annexure A, which clearly shows that the applicants were engaged on regular pay scale and not on minimum wages and not under Minimum Wages Act as claimed by the respondents.

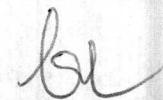
Mrs. Davawala on the other hand ^{submitted} ~~praying~~ that the applicants were wrongly paid at the rate of Rs.34.50 and thereafter the mistake was found they were paid at Rs.24.25 as per Minimum Wages Act. Moreover, they were not performing the duties of regular employees who were on regular scale of pay.

We find that the order issued by the Deptt. Of Personnel & Training dated 7th June, 88 (Annexure A-3) in para- iv) it is stated that " where the nature of work entrusted to the casual workers and regular employees is the same, the casual workers may be paid at the rate of $1/30^{\text{th}}$ of the pay at the

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minimum of the relevant paid scale plus dearness allowance for work of 8 hours a day." Therefore, this letter issued on 7th June, 88 clearly states that how the wages of the casual workers is to be regulated. Moreover, the appointment order issued to the applicants clearly indicates that they were appointed on regular scale of pay. Accordingly, we have no hesitation in confirming earlier interim order passed by this Tribunal and the applicants are entitled for payment of Rs.34.50 per day + DA as applicable for the period if not paid so i.e. from 1.8.92 to 30.4.92. Mrs.Davawala points out that the applicant No.3 has given a letter withdrawing his name from the OA. Applicant No.1 has already been regularised. Accordingly, the applicant No.2 only remains in this OA. Accordingly he shall be paid the arrears of wages as stated above for the actual days he had worked after deducting whatever amount already paid, within three months from the date of receipt of a copy of this order.


(P.C.Kannan)
Member(J)


(V.Radhakrishnan)
Member(A)

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