

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

Original Application No. 339 of 1987.

Date of decision ... April 20, 1988.

Balakrishna Madhi, son of Appealaswamy Madhi,  
Part-time Sweeper, Song & Drama Division,  
Bhubaneswar Centre, Town, Munsifi-Bhubaneswar,  
Dist- Puri. ... Applicant.

Versus

1. Union of India, represented by its Secretary, Ministry of Information & Broadcasting, New Delhi.
2. Director, Song and Drama Division, Ministry of Information and Broadcasting, 15/16, Sub ash Marg., Dariaganj, New Delhi- 110 002.
3. Manager, Song & Drama Division, 14/4911, Santi Bhavan, Old Station Road, Town and Munsifi-Bhubaneswar, Dist- Puri.

... .. Respondents.

M/s Deepak Misra, R.N. Hota  
and Anil Deo, Advocates .. For Applicant.

Mr. A.B. Misra, Sr. Standing  
Counsel (Central) ... .. For Respondents.

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE CHAIRMAN

A N D

THE HON'BLE MR. K.P. ACHARYA, MEMBER (JUDICIAL).

1. Whether reporters of local papers have been permitted to see the judgment ? Yes .
2. To be referred to the Reporters or not ? ~~Ans.~~
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes .

JUDGMENT

K.P.ACHARYA, MEMBER (J), In this application under section 19 of the Administrative Tribunals Act, 1985, the prayer of the petitioner is to absorb him on regular basis as a Group 'D' employee and also to enhance the daily wage being paid to him as a casual Sweeper.

2. Shortly stated, the case of the petitioner is that he is a casual Sweeper in the Song and Drama Division and he was appointed as such on 9.2.1979. On 16.4.1979 the petitioner made <sup>a</sup> representation to the Director of Song and Drama Division for absorption on regular basis in a Group 'D' post. Since there was no vacancy, the prayer of the petitioner could not be allowed. Hence this application.

3. In their counter, the respondents maintained that there being no regular vacancy, the petitioner cannot be absorbed and hence the application should be dismissed.

4. We have heard Mr. Deepak Misra, learned counsel for the petitioner and Mr. A.B.Misra, learned Sr. Standing Counsel for the Central Government at some length. After hearing arguments advanced at the Bar, we are of opinion that since there is no vacancy for the present in Group 'D' post, the competent authority cannot help the petitioner in any way. However, in future whenever any vacancy occurs, the case of the petitioner should be considered and he should be given appointment subject to his suitability.

5. It was next contended by Mr. Deepak Misra that at present the petitioner is only getting Rs.7/- per day

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for the casual work he is rendering as a Sweeper and this is most inadequate and further more it was submitted by Mr. Deepak Misra that the rate of daily wage should be enhanced. Undoubtedly in these hard days when a particular person is trying hard for his bread and butter, a paltry amount of Rs.7/- per day is mostly inadequate for the sustenance of his livelihood. At the same time the authorities are bound to consider the rules on the subject. However, we would like to say that we agree with Mr. Deepak Misra that in these hard days when cost of living has become very expensive a paltry amount of Rs.7/- per day is most inadequate. We hope and trust that the competent authority would re-consider the matter and take a compassionate view over the petitioner. We are also told that other Government Departments have already increased the daily wages of such workers and therefore, we feel that the competent authority in this case should also take a compassionate view over the petitioner and increase the daily wage for each working day\$.

6. Thus, the application is accordingly disposed of leaving the parties to bear their own costs.

*Agreed AMR 20.4.88*  
..... Member (Judicial) .....

B.R. PATEL, VICE CHAIRMAN, 9 agree.

*Ramsey 20.4.88*  
..... Vice Chairman .....

Central Administrative Tribunal,  
Cuttack Bench.  
April 20, 1988/Roy, SPA.