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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A. NO.348 OF 1988.

Date of decision - 20th November, 1989.

Dipti Kumar Mohanta,
Son of Raimohan Mohanta,
Village- Badabrahmanmara,
P.O. Patharchakuli,
Via- Deoli, Mayurbhanj.
working as Casual Labourer
for escorting mails in Baripada-
Deoli Line under S.D.I.(P) Baripada(West)
Subdivision, Baripada-757001.

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Applicant

Versus.

1. Union of India represented by
the Secretary, Department of Posts,
New Delhi.
2. Postmaster General, Orissa Circle,
Bhubaneswar- 751001.
3. Superintendent of Post Offices,
Mayurbhanj Division, Baripada-757 001.
4. Sub-Divisional Inspector (Postal),
West Subdivision, Baripada-757 001.

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Respondents.

For Applicant	-	Mrs. S.L.Pattnaik
For Respondents	-	Mr. Tahali Dalai, A.S.C. (Central).

C O R A M :

THE HONOURABLE MR. B.R. PATEL, VICE- CHAIRMAN

A N D

THE HONOURABLE MR. N. SEN GUPTA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
 2. To be referred to the Reporters or not ? NO
 3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.
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J U D G M E N T .

B.R. PATEL, VICE-CHAIRMAN. The applicant is a casual labourer who was appointed to do the work of escorting the postal daks with effect from June, 1988 at a daily wage of Rs.12/-. The prayer of the applicant is that his wage should be fixed pro rata basis on par with the employees of the Postal department and to absorb him in regular vacancy in group 'D' category.

2. The respondents in their counter have maintained that he being a casual worker is given daily wages and that there being no vacancy in group 'D' category in the Mayurbhanj Division, it will not be possible for the department to give him a regular job.

3. We have heard Mrs. S.L.Patnaik, learned counsel for the applicant and Mr. Tahali Dalai, learned Additional Standing Counsel for the Central Government and perused the papers. Mrs. Patnaik drew our attention to the Supreme Court judgment dated 27th October, 1987 in Writ Petition No.373 of 1986 pursuant to which the Director General, Posts has issued the circular dated 10.2.88, a copy of which is at Annexure-5 and contended that the wage of the applicant should be fixed keeping in view the instructions contained in the aforesaid circular and whatever arrear is due should be paid to him.

R. S. Patel

4. We have perused the copy of letter No.45/95/87-SPB-I dated 10.2.88 of the Director General, Posts, New Delhi issued under the signature of the Director (ST). These instructions have been based on the judgment of the Supreme Court dated 27th October, 1987 in Writ petition No.373 of 1986 regarding payment of wages to casual labourers. In this judgment the Supreme Court directed that the wage of the casual workers should be fixed at the minimum of pay scale of the regularly employed workers in the corresponding cadre but without any increments and allowances other than the D.A. and additional D.A.. The D.G.'s instructions are that the casual labourers should be paid wages worked out on the basis of minimum pay in the pay scale of the regularly employed workers in the corresponding cadre but without any increments with effect from 5th February, 1986. As this is a departmental circular, no reason has been advanced as to why the instructions of the D.G. have not been complied with by the local postal authorities. We therefore direct that the wage of the applicant should be fixed according to the instructions issued by the Director General, Posts New Delhi contained in his letter dated 10.2.88 a copy of which is at Annexure-5 and the difference in the wages should be calculated with effect from the day he has been appointed and paid to him within three months from the date of receipt of a copy of the judgment.

5. As regards the prayer for regular absorption of the applicant in a Group 'D' post we direct that the case of the applicant should be considered in the light of the scheme prepared according to the judgment of the Supreme Court and seniority and suitability of the applicant.

R. S. Mehta

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



[Signature]
20.11.89

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VICE - CHAIRMAN.

N. SEN GUPTA, MEMBER (JUDICIAL) .

I agree.

[Signature]
20.11.89

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MEMBER (JUDICIAL)

Central Administrative Tribunal,
Cuttack Bench, Cuttack.

The 20th November, 1989/ Jena, SrPA.