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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO: 215 of 1990

Date of decision: February, 13, 1991.

BIJAY KUMAR JAYASINGH

: APPLICANT

VERSUS

UNION OF INDIA AND OTHERS

: RESPONDENTS

For the applicant

: M/s. P.K. Deo, K.P. Misra,
P.K. Acharya, Advocates.

For the Respondents

: Mr. A.K. Mishra, Senior
Standing Counsel (CAT).

C O R A M:

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

AND

THE HON'BLE MR. N. SENGUPTA, 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

Briefly stated the facts are that the applicant was engaged as a Casual Worker with effect from 15th January, 1986. He has moved this Tribunal to direct the Respondents to pay him wages on pro rata basis at the initial of the scale of pay for Group 'D' employees of the Central Government. At present he has been given a daily wage of Rs. 9.25p.

2. The Respondents in their counter have averred that the wages of the applicant have been calculated taking into account Rs. 374/- per month. As he works only for four hours a day instead of the prescribed eight hours.

3. We have heard Mr. K.P.Misra learned Counsel for the applicant and Mr. A.K.Misra learned Senior Standing Counsel (CAT) for the Respondents and perused the documents. Mr. K.P.Misra has ^{placed} ~~referred~~ before us the decisions of the Hon'ble Supreme Court reported in AIR 1987 SC 2342 (Bharatiya Dak Tar Mazdoor Manch Vs. Union of India and others). Relying on this judgment Mr. Misra has urged that the applicant should be given wages on pro rata basis taking ~~into~~ account Rs. 750/- which is the pay given to the Group 'D' employees of the Central Government in addition to DA and ADA. Law is wellsettled that a Casual worker is

R. Misra

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entitled to 1/30th of the total amount payable to a Group 'D' employees at the initial of the prescribed scale with DA and ADA as admissible. We would ^{therefore} direct ^{that} the Respondents should pay the applicant at this rate. This is also in conformity with the instructions issued by the Director General (Posts), New Delhi in its letter No. 45/95/87-SPB dated 10th February, 1988. To make the matters clear we would like to quote the relevant portion from this Circular.

"All the Casual labourers engaged on Casual basis are to be paid wages worked out on the basis of the minimum pay in the pay scale of regularly employed workers in the corresponding cadre but without any increment, with effect from 5th February, 1986. But Casual labour will also be entitled to DA and ADA. If any on the minimum of the pay scale. No other allowances are to be paid".

3. This Circular makes no mention about the hours of work for which the casual workers are engaged.
4. Admittedly the applicant was engaged for ^{eight} full hours of a day as it is clear from the orders of the Senior Superintendent of Post Offices, Puri Division dated 12th August, 1986 (Annexure-1). Subsequently, according to Mr. Misra ^{as} ~~has~~ one of the pump; went out of order the applicant was engaged only for four hours a day. However, that is no ground to reduce the wages of the applicant. It is up to the Department to engage him adequately. The Respondents are hereby directed to

Pr. Anand

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calculate the wages payable to the applicant ever since ^{on the basis indicated}
in para 2 above he was engaged on casual basis. We would however, direct
that as and when a regular posts is available his
case should be considered for regular appointment
taking into account his seniority. The Calculation and
payment ^{of wages} be made to the applicant within four months
hence.

5. This case is accordingly disposed of. There
would be no order as to costs.

[Signature]
.....13.2.91
MEMBER (JUDICIAL)



[Signature]
.....13.2.91
VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/K. Mohanty.