

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

ORDER DATED 07-07-04

Applicants (76 in numbers of Casually engaged workers having temporary status of Central Cattle Breeding Farm of Government of India, Department of Animal Husbandry of Dairying of the Ministry of Agriculture) of these cases have jointly prayed for quashing of the order under Annexure-2 dated 24.4.2002 (by which they were denied payment of Hill Compensatory Allowances from 1.9.1993) and to declare Annexure-1 to be discriminatory; for the said allowance is being paid to the regular Gr.D staff in lieu of City Compensatory Allowance.

2. All the Applicants are now working in the Central Cattle Breeding Farm located at Semiliguda (Sunabeda) in the Revenue District of Koraput of Orissa. All of them have been conferred with temporary status with effect from 1st September, 1993 and allowed to get the minimum scales meant for Gr.D employees of Govt. of India plus DA, HRA and CCA. It is the case of the Applicants that even though the said Compensatory Allowances have been allowed to other regular Gr.D employees under the Respondents in lieu of CCA, the Applicants have been illegally denied the same. Semiliguda (which is not a city) has been declared as a Hill Area under Govt. letter dated 28.7.1988. They have neither been paid the CCA though ordered, nor the substitute HCA and hence

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this Original Application has been filed with the aforesaid prayers.

3. Respondents, by filing a counter have submitted that as per paras 5 & 6 of the Casual Labourers (Temporary Status and Regularisation) Scheme, 1993 circulated by the DOP&T wages at daily rates with reference to the minimum of pay scale of the Gr.D employees including DA, HRA and CCA is admissible to such workers conferred with temporary status and no other benefits than specified being admissible to casual workers, grant of Hill Compensatory Allowance to them cannot be agreed to.

4. Heard Mr. K. Panigrahi, learned counsel appearing for the Applicants and Mr. B. Dash, learned Additional Standing Counsel appearing for the Respondents and perused the materials placed on record.

5. Though various submissions made by the learned Counsel for the parties in support of their claims, as the matter can be well decided on interpretation of the rule position on the basis of the DOP&T circular for grant of temporary status to casual workers, it is needless to record all those submissions in detail. It has been admitted by the Respondents in their counter that the temporary status holder casual employees are entitled wages at daily rates with reference to the minimum of the pay scale for a corresponding regular Gr.D official including DA, HRA and CCA. On perusal of Annexure-3 it is seen that the Govt.

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of India, Ministry of Finance O.M. dated 6th July, 1967 and 7th June, 1973 clearly envisages as under:-

"Where, however, a classified city is also a Hill station where the Hill compensatory and Winter allowances will be admissible in lieu of the Compensatory (City) Allowance, admissible and in addition, House Rent Allowance will also be Applicable".

6. In view of the above instructions/ circulars of the Ministry of Finance, since Hill Compensatory Allowance is granted in lieu of CCA and admittedly, the Applicants are entitled CCA, denying them the Hill Compensatory Allowance, in lieu of CCA is definitely against the Govt. of India instructions referred to above.

7. Respondents, are, therefore, directed to sanction the Hill Compensatory Allowance in favour of the Applicants w.e.f. 1.9.1993 (in lieu of CCA granted under Annexure-1) and pay the same to the Applicants within a period of 120 days from the date of receipt of a copy of this order. In the result, this O.A. is allowed. No costs.

Manoranjan Mohanty
07/03/04
(MANORANJAN MOHANTY)
Member (Judicial)

Copy of order off. F.R.D. dated
23/3/04
designed to the Council
for both sides.

23/3/04
S.O.

13/3/04