

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 07.07.97

OA 25/97

Ghanshyam, Daily paid casual labour in the Central Ground Water Board, Jodhpur.

... Applicant

Versus

1. Union of India through its Secretary to the Government of India, Ministry of Human Resources, New Delhi.
2. Director (Adm.), Central Ground Water Board, CGO Complex, NH IV Faridabad (Haryana).
3. Assistant Administrative Officer, Central Ground Water Board, Jodhpur.
4. The Officer Incharge, Central Ground Water Board, State Unit Office, 64, Polo-Ist, Paota, Jodhpur.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

For the Applicant ... Mr.B.Khan, brief holder for

Mr.J.K.Mishra

For the Respondents ... Mr.K.S.Nahar

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Ghanshyam, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying for a direction to the respondents to pay his salary at the rate of 1/30th of the minimum of the time scale plus usual allowances in accordance with law and instructions policy. Applicant has also claimed regularisation on the Group-D post of Safaiwala with consequential benefits.

2. Heard Shri B.Khan, brief holder for Shri J.K. Mishra, counsel for the applicant, and Shri K.S.Nahar, counsel for the respondents. Records have been carefully perused.

3. The applicant's case is that he was initially appointed on the post of Safaiwala on casual basis on 3.4.92 by a verbal order and he was put to work under the Officer Incharge, Central Ground Water Board at Jodhpur (Respondent No.4). Initially he was paid Rs.11/- per day on daily wage basis. His wages were subsequently increased. From January, 1995 he was being paid Rs.32/- per day for 8 hours of work in a day. He has not been allowed any paid holiday. His case is that from the very beginning he has been performing full time work. He was paid Rs.32/- per day for full time

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work till the month of October, 1996 but suddenly in the month of November, 1996 he was informed that he would be treated as a part time Safaiwala and he will be paid only Rs.16/- per day. The applicant has relied on Ann.A-1, which is an Office Memorandum dated 7.6.88. It is also stated by the applicant that respondent No.3 has requested respondent No.2 to furnish the particulars of casual labours employed in the department so that necessary action could be taken for granting temporary status and for regularisation of their services. The applicant has made a representation vide Ann.A-2 to respondent No.4, dated 3.5.95. It is stated on behalf of the applicant that this representation ought to be decided in the light of the OM dated 7.6.88, referred to above, at Ann.A-1. The learned counsel for the respondents has no objection to it.

4. This OA is, therefore, disposed of with a direction to respondent No.4 to decide the representation, at Ann.A-2, dated 3.5.95 keeping in view the guidelines laid down in OM dated 7.6.88, at Ann.A-1, within a period of four months from the date of receipt of a copy of this order. If the applicant is aggrieved by any decision taken on the representation, he may file a fresh OA, if so advised. The respondents are directed not to terminate the services of the applicant till any decision is taken on the representation. Let a copy of the OA and the annexures thereto be sent to respondent No.4 along with a copy of this order. No order as to costs.

Cokhale.
(GOPAL KRISHNA)
VICE CHAIRMAN

VK