

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00321/2015

Jodhpur, this the 04th day of May, 2016

CORAM

Hon'ble Ms. Praveen Mahajan, Administrative Member

1. Jagdish Solanki S/o Shri Lal Chand, aged about 39 years, R/o Babu Laxman Singh Colony, Outside Third Pole, Mahamandir, Jodhpur-342001.

.....Applicant

Mr. T.C. Gupta, counsel for applicant.

Versus

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue, Government of India, New Delhi-110001.

2. Chief Commissioner of Income Tax, Paota, C-Road, Jodhpur-342006.

.....respondents

Mr. Sunil Bhandari, counsel for respondents.

ORDER (Oral)

The applicant, by way of this OA, seeks the following reliefs:-

"(A) In view of the facts and grounds enumerated above, it is most respectfully prayed that the respondents may be directed to pay daily wages at enhanced rates with arrears along with interest on market rate of 12% for delay in al due payments as per prayer made by representation dated 21.04.2015 Annexure-A/1.

(B) Any other appropriate writ, order or direction, which may be considered just and proper in the facts and circumstances of the case, may be issued in favour of the applicant.

(C) Exemplary costs may be imposed on the respondents for the arbitrarily, malafide and adamant action of the respondents in not paying wages as per rules inspite of the quashing of their order dated 31.05.2011 by the CAT Bench, in rem order and confirmed by the High Court."

2. The present OA has been filed under Section 19 of the Administrative Tribunals Act, 1985 being aggrieved against the illegal and malafide action of the respondents in paying Rs.164/- per day as daily wages to the applicant from 01.06.2011 onwards; inspite of the 6th Central Pay Commission

wagers @ 1/30th of the pay at the minimum of time scale of Group 'D' staff i.e. Rs.4400+1300 (Grade Pay) plus the dearness allowance as applicable from time to time. The respondents have also failed to take any action on the representation dated 21.04.2015 filed by the applicant in the matter.

3. Heard both the parties. Counsel for the applicant contended that this Tribunal in OA No.531/2011 (Abdul Kadir & Ors. V. UOI & Ors), settled a similar controversy vide order dated 14.08.2012, which has also been upheld by the Hon'ble Rajasthan High Court in D.B. Civil Writ Petition No.49/2013 vide judgment dated 22.08.2013. In this regard, counsel for the applicant contended that the applicant is also similarly situated persons and he may be given similar relief.

4. Counsel for the respondents contended that the respondents have not filed reply in view of the fact that in Review Application No.290/00004/2014 in OA No.518/2011 and so many others including RA No.290/00009/2014 filed in OA No.531/2011 (Abdul Kadir & Ors. v. UOI & Ors), this Tribunal vide common order dated 29.04.2014 passed in all these Review Applications has finally set the controversy at rest by correcting the order that the applicants may be paid Rs.222/- per day as basic pay w.e.f. 01.07.2008. Therefore, counsel for the respondents has prayed that this OA may be disposed of in the light of direction passed in similar OAs as well as RAs.

5. Considered the rival contentions and perused the record. Earlier while considering a similar controversy in OA No.531/2011, this Tribunal vide order dated 14.08.2012 has passed the following order:

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(II) The respondents are directed to continue making payment to the applicants @ 1/30th of the pay at the minimum of the time scale of the Group 'D' staff plus dearness allowance i.e. Rs.292 per days as basic pay w.e.f. 01.07.2008 with all consequential benefits.

(III) No modification of the OM dated 12.09.2008 is warranted as the legality of the OM has not been in challenge nor would the same be necessary for granting the relief (I) and (II).

(IV) No order as to costs."

Thereafter, the respondents have filed Review Application No.290/00009/2014 for reviewing the order dated 14.08.2012 passed in OA No.531/2011 and this Tribunal after considering the Review Application has reviewed the order on 29.04.2014 in the following terms:-

" Accordingly, RA is allowed and it is ordered that in judgment dated 14.08.2012 passed in OAs referred in para No.19 in relief (II) last and 2nd last line "i.e. Rs.292 per days as basic pay w.e.f. 01.07.2008 with all consequential benefits" may be read as "i.e., Rs.222/- per day as basic pay w.e.f. 01.07.2008 with all consequential benefits."

6. In the instant OA, the case of the applicant is similar, as has also been claimed in one of the reliefs by the applicant, therefore, the OA is disposed of in terms of directions dated 14.08.2012 passed in OA No.531/2011 (supra) read with order in RA No.290/00009/2014 and other similar matters vide order dated 29.04.2014. There shall be no order as to costs.


[Praveen Mahajan]
Administrative Member