

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 440/1991  
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DATE OF DECISION 13.2.92

Sreenath.N. Applicant (s)

Mr.M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

The Manager, Speed Post Centre, Respondent (s)  
Cochin-15 and another

Mr.George Joseph,ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. A.V.HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the Judgement? Yes
4. To be circulated to all Benches of the Tribunal? Yes

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

In this application dated 16.3.1991 the applicant who has been working as casual mazdoor under the Manager, Speed Post Centre, Cochin, has prayed that the respondents be directed to assign eight hours of work to him in preference to any of his juniors and the respondents directed to pay the difference in wages due to the applicant when he was put on seven hours duty while his juniors were given eight hours duty. He has also prayed for regularisation.

2. The applicant is a casual mazdoor engaged in the Speed Post Centre with effect from 19.5.1987. Later he was given duty of collection and delivery of Speed Post articles and conveyance of mail bags. He was being given eight hours of work and paid accordingly till 2.11.89. When conveyance of mail from the Speed Post booking counter to the transit centre Airport was assigned to the Speed Post vehicle the mazdoor charges paid at the rate of Rs.2/- should be reduced. The applicant thus worked for six hours on the 3rd and 4th of November 1990 but his duty hours was enhanced to seven hours with effect from 5.11.90. The respondents denied the allegation that his working hours were reduced from eight hours to seven hours when it was actually increased <sup>on the other hand</sup> increased.

from six hours to seven hours. The Speed Post vehicle was commissioned <sup>on</sup> ~~deom~~ 3.11.89 only after the applicant refused to convey the mail from the booking counter to the Airport without incurring auto-fare charges. When the applicant requested for posting at Wellington Island on medical grounds, his request was granted and he was assigned seven hours of work which only was available there. They have denied the allegation that he worked for eight hours and paid for seven hours. The applicant is one of the thirteen mazdoors working like him and he cannot be given a special treatment.

3. In the rejoinder the applicant denies having been given seven hours of work from 26.2.91 to 28.2.91. He was forced to give <sup>h</sup> an undertaking on 12.3.91 that wages for one hour work would be paid to one Mr. Nazir.

4. In a further reply the respondents have stated that his transfer to Ernakulam area was in the public interest. There are thirteen casual mazdoors in the Speed Post centre, Perumannur who worked between two and a half and eight hours according to the availability of work. They have also stated that he was offered eight hours of work with effect from 2.4.91 and requested change to his original beat of seven hours of work with effect from 5.4.91.

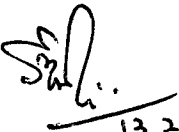
5. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The applicant has not produced any document to show that he was given eight hours of work while paid for seven hours. On the other hand it has been stated by the respondents that he was brought to Wellington Island at his request on medical grounds where only seven hours of <sup>or</sup> work was available. A casual mazdoor has to take the work as is available. The applicant's conduct in refusing to carry the mail bag without charging the auto fare and again refusing to take eight hours work cannot be said to be exemplary as <sup>or</sup> a casual worker deserv-  
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ing eight hours wages. We see no force in the application and  
dismiss the same without any order as to costs.

  
(A.V. Haridasan)  
Judicial Member

  
(S.P. Mukerji)  
Vice Chairman

n.j.j