

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 45/90
XXXX No.

109

DATE OF DECISION 30.8.91

K.K.Pookoya

Applicant (s)

M/s. M.K. Damodaran, C.T. Ravi Kumar, Alexander Thomas Advocate for the Applicant (s)
Prabhanandan M.P.

Versus

Administrator, Union Territory
of Lakshadweep, Kavarathy and 2 others Respondent (s)

Mr. N.N. Sugunapalan, SCGSC

Advocate for the Respondent (s)

CORAM:

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

The Hon'ble Mr. N. DHARMADAN, 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? No
4. To be circulated to all Benches of the Tribunal? No

JUDGEMENT

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

The applicant who has been working as a Casual Labourer in the Coir Production-cum-Demonstration Centre under the Department of Industries of the Union Territory of Lakshadweep Islands has in this application dated 7.1.1990 filed under Section 19 of the Administrative Tribunals Act, prayed that the respondents be directed to grant him wages as drawn by the regular counterparts posted as Class IV employees under the first respondent along with the arrears.

The brief factors of the case are as follows.

2. The applicant has been working as a Casual Labourer in the Coir Production-cum-Demonstration Centre under the Department of Industries from 2.9.1978. He is at present getting wages at the rate of Rs.22.25 per day. In that Centre there are no regular employees in Class IV grade. However, under

the Industries Department there is a Coir Fibre Factory which engages both Class IV regular employees known as 'Helper' as also casual labourers. The applicant's plea is that the work done by him in the Production-cum-Demonstration Centre as a casual labourer is the same as performed by the casual labourers and Helpers in the Coir Fibre Factory. On that basis he has claimed the wages as given to the regular employees of that factory in the scale of Rs.750-940, on the principle of 'equal pay for equal work' as upheld by the Supreme Court in Dhirendra Chamoli vs. State of U.P.(1986 I SCC 637) and Surinder Singh vs. Engineer-in-Chief, CPWD(1986 I SCC 639). He has also referred to the circular of the Department of Personnel dated 7.6.88 in which it has been laid down that if the nature of work entrusted to the casual workers and the regular employees is the same, the former is to be paid at the rate of 1/30th of the pay at the minimum of the relevant pay scale plus D.A. for 8 hours of daily work. The applicant's representation in the past was not accepted.

3. In the first counter affidavit the respondents have stated that the nature of work entrusted to the casual labourers in the Coir Production-cum-Demonstration Centre and that of regular Helpers in the Coir Fibre Factory are entirely different. In the Production Centre coir spinning and value added products from coir yarn are promoted by employing ladies assisted by one or two male casual labourers in each unit. These casual labourers help in bundling the coir yarn stack other products and

.3.

collect white fibre from the local people required for the unit etc., which is of unskilled nature. In the Fibre Factory the casual labourers are engaged in collecting the raw materials, retting up the husk in the soaking tank, drying of fibre , transportation of soaked husk to machines etc. These casual workers after passing the trade test are considered for appointment as regular Helpers in the factory. The casual labourers in the Production Centre has no claim for the post of Helpers in the Factory.

4. In the rejoinder the applicant has stated that he is engaged in making coir, ropes and rolling and bundling, making of door mats and coir yarn , collection of fire woods from the area of Islands for boiling water preparatory to dyeing work etc. Additionally he has to discharge the duties of a peon in the Coir Production-cum- Demonstration Centre because there is post of peon attached to the Centre. He has averred that casual labourers in the Fibre Factory are not operating the machines and even unskilled casual labourers in the factory are being appointed as regular Helper.

5. In the additional counter affidavit the respondents have stated that the applicant is only helping the ladies in spinning of coir yarn, making of mats and there is no Group D employee in the Centre doing the type of work done by the applicant. The work done in the Production Centre on one hand and Coir Fibre Factory on the other are entirely different. The Coir Fibre Factories are completely mechanised whereas

in the Production Centre the women workers are spinning yarn on coir charkas which ^{are} ~~is~~ hand operated. The casual labourers in the Centre are not even in the seniority list as the casual labourers working in the Fibre Factory.

6. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. We have no doubt in our mind that the work of the Production-cum-Demonstration Centre is basically and intrinsically different from the work done in the Coir Fibre Factory. The Coir Factory is engaged in production of coir fibres by machine processing while the Production Centre is engaged in coir spinning and production of coir products like the door mats, corridor mats etc. The principle of 'equal pay for equal work' as upheld by the Supreme Court entitles *inter alia* casual workers to the same pay as is admissible to regular employees doing similar work. Since in the Production Centre where the applicant is working as a casual labourer, there is no regular Class IV employee, the question of parity in the Production Centre does not arise. The applicant's claim of parity with the pay scale of regular Helpers in the Fibre Factory cannot be admitted because of complete dissimilarity of work. In *Kewal Ram Sharma and others vs. State of Punjab and others*, 1989(3)SLR 507 the Punjab and Haryana High Court observed that unequal pay for posts even with the same nomenclature but in different fields is permissible and equation of posts and pay is for the Executive Government

to decide. The Supreme Court in Harbans Lal & Ors. vs. State of Himachal Pradesh and Others, Judgments Today 1989(3)S.C. 296, observed that 'equal pay' principle does not apply if the managements are different or the places of work are in different geographical locations though under the same owner even though the nomenclature and volume of work is the same.

7. In the light of what has been stated above we find that the applicant as a casual labourer in the Production-cum-Demonstration Centre cannot claim parity with the regular Class IV Helpers of a completely different unit of Coir Fibre Factory. The application has no force and we dismiss the same without any order as to costs.

N.Dharmadan
(N.Dharmadan)
Judicial Member

30.8.91.

S.M.
(S.P.Mukerji)
Vice Chairman

n.j.j