

CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 472 OF 2007

Dated the 14th January, 2008

CORAM:-

HON'BLE SMT. SATHI NAIR, VICE CHAIRMAN

K.S.Priya,
W/o Satheesan,
Part time Sweeper,
Kerala Circle, Stamp Dept.
Residing at Erayil House, Kothad PO
Chittor, Ernakulam-682 027.

.. Applicant

[By Advocate: Mr PC Sebastian)

-Versus-

1. The Superintendent,
Kerala Circle Stamps Depot, Kochi-682 020.
2. The Director General, Department of Posts,
Dak Bhavan, New Delhi.
3. The Union of India,
Represented by Secretary to Govt. of India,
Ministry of Communications,
Department of Posts, New Delhi.

....Respondents

[By Advocates: Mr Varghese John for Mr. Thomas Mathew, Nellimoottil]

This application having been heard on 14th January, 2008
the Tribunal delivered the following -

ORDER

The applicant, a Part-time Sweeper working at Kerala
Circle Stamp Depot, has approached this Tribunal by this

application alleging that the respondents are treating her as a part-time worker though she has been engaged the whole day and denying her wages and other benefits actually due to her for the work done by her.

2] The applicant has been engaged as a part-time worker w.e.f. 8.1.2001 at Kerala Circle Stamp Depot. According to the applicant she has been designated as a Part-time Sweeper and paid wages for six hours work only, though she is working for the whole day i.e. for eight hours. She has to report for duty at 0930 hrs. and leave the office at 1700 hrs. This Depot caters to the requirements of the postage stamp and other postal stationary items to all the Post Offices in Kerala Circle. The stamps and stationary items are received from the security press Nasik and supplied to various Head Post Offices in closed mail bags. Daily 50 to 60 mail bags are received and closed and after this the office premises is to be swept and cleaned. The building area is about 6348 sq.ft. and the compound area is about 9290 Sq.ft. and both these areas are to be swept daily. Apart from this, the applicant is entrusted with the work of dusting of office furniture, windows and door and steel almirahs and racks used for the storage of the stamps and stationary items.

3] The applicant has further submitted that as per the approved norms for fixing the wages for sweepers in the Central Government Offices, one hour each is fixed for sweeping 1250

sq.ft. of the building area and 2000 sq. ft. for compound area. As per the information obtained by the applicant under the Right to Information Act, 2005, (Annexure-A3) the total building area of Kerala Circle Stamp Depot is 6348 sq.ft. and the compound area is 9290 sq.ft. It has been further submitted that another person employed in the office of the Senior Superintendent of Post Offices, Ernakulam Division in an identical situation, though has only 6 hours and 45 minutes for work of sweeper has been fixed 8 hours work adding 1 hour 45 minutes for cleaning furniture, doors and windows etc. As soon as she came to know about the fact that she was not given wages for the works as per the prescribed standards she submitted (Annexures-A6 and A7) representations to the 1st respondent to give her wages for 8 hours of duty actually performed by her to which she has been given a reply by the impugned Annexure-A8 stating that the working hours assessed as per Departmental standards does not justify any upward revision. The applicant's grievance is that there are Government orders and instructions to give full time engagement to part time labourers so as to ameliorate the living condition of such casual labour but the 1st respondent has shown her working hours as 6 hours deliberately to keep her as part time casual labour to deny her legitimate benefits.

4] Following are the prayer of the applicant:

- (i) To call for the records relating to the issue of Annexure-A8 and quash the same.
- (ii) To declare that applicant is entitled to be treated as a full time

casual labourer with all consequential benefits from the date of her appointment.

(iii) To issue appropriate directions/orders for the respondents to treat applicant as a full time casual labour and to pay her remuneration as applicable to a full time casual labourer with effect from her date of appointment and pay her arrears due to her in this regard.

(iv) To grant such other relief which may be prayed for and which this Hon'ble Tribunal may deem fit and proper to grant in the facts and circumstances of the case."

5] Respondents have contested the averments made by the applicant by filing their written statement. The applicant had been working for 6 hours per day from 0930 hrs. to 1530 hrs. and she has been paid wages for 6 hours at the fixed rate from time to time. By representations dated 3.5.2006 and 25.9.2006 the applicant has prayed for upward revision of her working hours from 6 hours to 8 hours per day, on the plea that she had been doing excess work. On 2.1.2007 the applicant submitted yet another representation for upward revision of working hours and the claim was assessed by measuring the compound area and the building area and no justification was found for any upward revision of the work hours. The applicant was informed accordingly. The respondents denied the claim of the applicant that she has been working for 8 hours per day and stated that in fact the applicant is attending office from 0930 hours to 1530 hours only. The applicant in addition to her duty as sweeper assists the other staff in preparing tea but this was also reckoned for assessing the quantum of work of the part time sweeper. It is further submitted that Kerala Circle Stamp Depot

is a high security area where Postal Stamps & Stationery worth several crores of rupees are stored and due to security reasons, cooking food or preparation of snacks etc., as claimed by the applicant, cannot be done in the premises. Consignments from Security Press are received only once or twice in a month and the Mail bags from Post Office are received and closed stamp bags dispatched to the Head Post Office only once a day and the cleaning and sweeping is generally required only once a day. The attempt made by the applicant to depict that she is sweeping the premises throughout the day is denied by the respondents. More than half of the entire building is utilized as strong room for storage of Postage Stamps and stationery and this area occupied by the storage racks and cabinets cannot be swept and due to security reasons, part time sweeper is not allowed access to this area and only a small portion of the strong room used as packing and moving area is to be swept daily. It is further submitted that a realistic assessment of the sweeping area in the office and strong room showed that only 4300 sq. ft. of the area is swept by the part time sweeper and the applicant is required to sweep only about 3000 sq. ft. of the front compound area. The rest of the area is swept by another part time casual labourer. It is further stated that besides the applicant another part time scavenger cum sweeper is also engaged and the applicant is required to sweep only about 3000 sq.ft. of the front compound area. In fact, according to the norms of work for sweeping

4300 sq.ft. of the sweepable building area plus 3000 sq. ft. of the compound area as done by the applicant is justified for 4 hours 56 minutes of duty as per approved departmental standards. The applicant is engaged and paid for 6 hours duty per day including the duties, such as, dusting of furniture, windows and doors etc. and preparing hot water for drinking purpose etc. are done during the rest of working hours of 1 hour 04 minutes. This is justified as per actual observation of the work.

6] It is further stated that the quantum of work for the contingency paid casual labourer in Kerala Circle Stamp Depot does not justify full time engagement of the existing part time labourer working in the Unit. The contention of the applicant that she is subjected to discriminatory treatment is also denied by the respondents. Contingency paid casual labourers are engaged in different offices for different hours of duty based on local requirement. Annexure-A2 order is taken as the standard for fixing the working hours and the principles laid down therein have strictly been followed in the case of the applicant.

7] Applicant in her rejoinder contested the averments made by the respondents and reiterated that she is working for eight hours continuously.

8] In the light of the claim and counter claim made by the applicant and respondents, this Court directed the respondents to furnish specific reasons why 2048 sq.ft.

occupied by pellets and racks was excluded as non sweepable area when the applicant contended that this non- sweepable area is also coming under the area to be swept. The applicant is also attending to cleaning furniture, windows, racks etc. and preparing tea and snacks for the staff during her working time and whether these works have been taken into account for calculation of the working hours. The respondents thereafter filed their affidavit stating that there was no instance when the applicant was required to work for more than 6 hours and the applicant's attendance is required only from 0930 hrs. to 1530 hrs. and during this period the applicant attends to all her duties and also avails the lunch break like any other Departmental official.

9] I have heard learned counsel for the parties. When the matter came up for hearing the counsel for the applicant fairly stated that in the light of the averments made by the respondents in their reply statement and affidavit that the area /space utilized as a strong room for the storage of stamps and stationery items need not be swept though the applicant was doing so, henceforth the applicant would discontinue the sweeping of this area. However, it was submitted that her grievance that she has been engaged continuously for 6 hours from 0930 hrs to 1530 hrs. without lunch break may be redressed by arranging the working hours, so that she can have the break for lunch which is normally availed of by all employees.

The respondents' counsel however stated that it is not true that the applicant is being engaged for six hours without any lunch break and she has been allowed to avail lunch break within this six hours like any other departmental employee.

10] Considering the submissions made by the learned counsel for the parties and also taking a humanitarian view in the matter, I am of the view that the grievances of the applicant that her working hours have been being fixed continuously for six hours requires to be re-considered. It is seen that even though she is attending to multifarious duties, such as sweeping the office, building and compound area and also cleaning windows and furniture etc., no specific time is allotted for each of the duties. This should be done. The time for lunch break can be so arranged in between the various duties assigned to the applicant keeping the total working hours as six only. This application is disposed of with a direction to the respondents that the applicant shall be issued an order specifying the working time for the various duties assigned to her including the time for lunch break.

The OA is allowed to the extent stated above. No costs.

Sathi Nair
(Sathi Nair)
VICE CHAIRMAN