

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.59/02

Dated Tuesday this the 23rd day of March, 2004.

C O R A M

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

Mariam Chorie
W/o Chorie
Part Time Sweeper (under
orders of termination)
O/o the Food and Nutrition Extension Officer
Community Canning and Preservation Centre
Panampally Nagar
Ernakulam.

Applicant

(By advocate Mr.M.R.Rajendran Nair)

Versus

1. Union of India represented by
The Secretary to Government of India
Ministry of Human Resources Development
Department of Food and Nutrition Board
New Delhi.
2. Deputy Technical Advisor
Ministry of Human Resources Development
Department of Women and Children Development
Food and Nutrition Board
Shastri Bhavan, Madras.
3. The Demonstration Officer
Community Food and Nutrition
Extension Unit
Food and Nutrition Board
27/217 Manorama Jn.
Kochi.

Respondents.

(By Advocate Mr.C.Rajendran, SCGSC)

The application having been heard on 23rd March, 2004 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR.A.V.HARIDASAN, VICE CHAIRMAN

There has been a number of litigations between the applicant who has since ceased to be a part time worker under the respondents, and the respondents over a period of time, and we hope that this will be the last one in the series.

[Signature]

2. The applicant admittedly had been a part time labourer under the respondents. The grievance of the applicant in this application is that inspite of the directions given in the judgement of the Tribunal in OA No.1090/2000 to revise the wages of the applicant with effect from 1.1.96 in accordance with the hourly rates as mentioned in A-4 and to make available the arrears of wages to her, the respondents have paid only a sum of Rs.4197/- while, according to her, she is entitled to get Rs.46116/-. It is alleged in the application that in terms of the office order dated 22.11.91 (Annexure A5), the applicant has been working for four hours a day but arrears had been paid reckoning only three hours work a day. The computation of days also is erroneous according to her. The applicant has, therefore, filed this application for a direction to the respondents to pay the arrears due to the applicant as per A3 with interest at the rate of 18% per annum and to pay the applicant revised D.A. applicable to government servants and also the arrears of revised D.A. and to pay the applicant wages for four hours a day.

3. The respondents in their reply statement contend that the applicant had been engaged to work for 2 hours 45 minutes a day and wages had been calculated at 3 hours for the number of days of work and, therefore, the applicant is not entitled to anything more.

4. We have considerd the rival contentions and have heard Sri M.R.Hariraj, the learned counsel of the applicant and Sri C.Rajendran, the learned counsel for the respondents.

5. It is evident from A-5 office order dated 22.11.91 that the applicant was to work for 4 hours a day from 22nd Nov. 2001 and had to perform the following duties:

- (i) Sweeping the office premises.
- (ii) Washing the vessels.
- (iii) Removing the fruits wastes.
- (iv) Cleaning the Floors.
- (v) Washing the Floors.

These orders were issued fixing the hours of work as per the judgement of the Central Administrative Tribunal, Ernakulam Bench in OA No.105/91 as stated in A-5 order. The respondents have no case that A-5 order is not a genuine order or that it has been concocted by the applicant. The only contention is that the order is not found in the office file. The applicant cannot be held responsible for missing of the order in the office file and so long as the authenticity of A-5 is not in dispute, we have to accept the claim of the applicant that she had been working for four hours a day. The payment to the applicant had been made even, according to the respondents, reckoning the applicant's her hours of work only as three hours whereas in accordance with the judgment of the Tribunal in OA 105/91 the respondents have fixed the duty hours of the applicant as four hours per day. Therefore, the calculation is obviously wrong. The respondents have to pay to the applicant the wages taking her hours of work as four. Since the applicant has ceased to work, the respondents have to pay to her the revised wages taking her hours of work as four per day and to make the payment of arrears within a short time with interest at 6%.

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6. In the light of what is stated above, the application is disposed of directing the respondents to pay arrears of wages due to the applicant in terms of A-3 judgement calculating the hours of work per day as four till the date of cessation of work and to make available to the applicant the arrears resulting therefrom within a period of six weeks from the date of receipt of the copy of this order with interest at 6% for the delayed payment. No order as to costs.

Dated 23rd March, 2004.

12.12.

H.P.DAS
ADMINISTRATIVE MEMBER

aa.



A.V.HARIDASAN
VICE CHAIRMAN