

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.90/94

Thursday, this the 9th day of February, 1995.

C O R A M

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

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1. TP Sajeew, Processing Worker,
Integrated Fisheries Project,
Kochi--16.
2. TR Santhosh -do-
3. PK Salu -do-
4. PP Prasanna -do-
5. PK Rezia -do-

....Applicants

By Advocate Shri R Santhosh Kumar.

vs.

1. Union of India through the Secretary,
Ministry of Agriculture,
Department of Agriculture & Cooperation,
New Delhi.
2. The Director,
Integrated Fisheries Project,
Kochi--16.

....Respondents

By Shri TPM Ibrahim Khan, Senior Central Govt Standing Counsel.

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicants, Processing Workers in the Integrated Fisheries Project, Kochi, obtained an order from the Tribunal in OA 159/91 that all the 50 posts meant for absorption of casual labourers should be filled up from among casual labourers without applying the general orders of reservation. As a consequence, they were absorbed as regular workers, but only from the date of the issue of orders and

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not from the date when the other 45 persons were absorbed. In OA 905/92 the applicants obtained an order that their absorption shall be from a retrospective date on which the other 45 persons were absorbed, with consequential benefits. Applicants are now before us again praying that certain benefits not given to them by the respondents such as arrears of difference of salary, difference of annual bonus and adjustment of leave availed against leave entitlement for the retrospective period be granted to them.

2. According to respondents, the Tribunal had ordered only notional appointment of the applicants with effect from the date on which 45 others have been absorbed on regular establishment and that entitlement of arrears of pay will only be from the date of assumption of charge as regular Processing Workers.

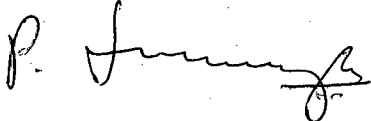
3. The exact benefits to be granted to applicants as a result of retrospective absorption were not spelt out by the Tribunal in OA 905/92. However, in this case, we notice that applicants have been performing the same work whether as casual labourers or as regularly absorbed workers. As regularly absorbed workers, they would be entitled to a higher pay and certain benefits like leave entitlement and bonus at a higher rate. Since they have been discharging the same work, it was only their nomenclature that would be changed retrospectively and instead of being termed as casual labourers, they would have been granted the status of regularly absorbed worker with retrospective date. There is no justification to make any distinction between the 45 persons absorbed in the first instance and the five applicants who were absorbed retrospectively from the same date. In this context, it would not be correct to deny the salary that is payable to a regularly absorbed worker to applicants from the date of their absorption as regular workers when

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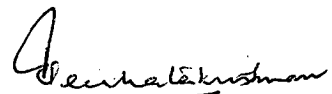
they have been performing the same work, even though such date is retrospectively fixed and notionally determined. It would also follow that the bonus shall be payable to the applicants at the rates applicable to regularly absorbed workers for that period and other entitlements such as leave also be granted to them as was granted to regularly absorbed workers.

4. Respondents are directed to determine and grant these benefits to the applicants within three months from today. Application is allowed as above. No costs.

Dated the 9th February, 1995.



P SURYAPRAKASAM
JUDICIAL MEMBER



PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER