

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No.  
L. A. No.

133

1993

DATE OF DECISION 22.1.93

N.C. Syed and others Applicant (s)

Mr. Shafik M.A. Advocate for the Applicant (s)

Versus

Union of India represented by Respondent (s)  
the Secretary, Ministry of Home Affairs,  
New Delhi and others

Mr. N.N. Sugunapalan, Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N. DHARMADAN, JUDICIAL MEMBER

The Hon'ble Mr. R. RANGARAJAN, ADMINISTRATIVE MEMBER

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

JUDGEMENT

MR. N. DHARMADAN, JUDICIAL MEMBER

Applicants are casual mazdoors. They are aggrieved by the refusal of the respondents to pay arrears of pay and wages as per O.M. No. 49014/2/86-Estt.(C) dated 7.6.88.

2. All the applicants jointly submitted representation Annexure A-4 before the second respondent with copy to the third respondent for getting the benefit of the judgment in O.A. 37/90. This representation has not been disposed of so far. Applicants alleged that they were engaged as casual mazdoors in the Animal Husbandry Unit of Amini Island from 1978 to 1990 and they were working continuously without any break. Details of their service particulars are shown in Annexure A-1. They contended that they are entitled to the benefit of the O.M. dated 7.6.88. In the meantime, one of the similarly situated persons, Shri Kathiyammadu Kasim Koya, filed O.A. 37/90 before this Tribunal claiming identical reliefs. That application was considered and disposed of as per Annexure A-2 judgment with the following directions:


" In the facts and circumstances we allow the application with the direction that the applicant is entitled to a daily wage of 1/30th of the minimum

of the class IV scale of Bull Attendant/Milkman, i.e. Rs. 750-940 plus dearness allowance for 8 hours of work per day in accordance with the Department of Personnel's O.M. No. 4901/2/Est(c) dated 7.6.88 for the period he worked as casual labourer in the Fodder unit of the Animal Husbandry Department. The arrears of Wages and allowances however will be paid to him for the period commencing from three years prior to the date of filing of this application. The payment of arrears should be made good within a period of three months from the date of communication of this order."

3. Thereafter, first respondent passed Annexure A-3 order granting the benefit to the applicant in Annexure A-2 judgment. Hence, according to the applicants, they are also entitled to similar benefits since they are identically situated persons. The representation has not been disposed of so far. Hence, they have filed this application under section 19 of the Administrative Tribunals Act. The fourth prayer is to issue a direction to the respondents to consider and dispose of the representation.

4. We have heard learned counsel appearing on both sides. Learned counsel for respondents has no objection in allowing <sup>prayer No. iv</sup> ~~in~~ the application in the light of the judgment in O.A. 37/90. Accordingly, having heard counsel on both sides, we are satisfied that interest of justice will be met if we dispose of the application with direction to the respondents to dispose of the representation submitted by the applicants bearing in mind the observation and findings of the Tribunal in O.A. 37/90. We do so. This shall be done within a period of two months from the date of receipt of a copy of this judgment.

5. There shall be no order as to costs.

  
(R. RANGARAJAN)  
ADMINISTRATIVE MEMBER

  
(N. DHARMADAN) 22.1.93  
JUDICIAL MEMBER

22.1.93

kmm