

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A. 145/93

Wednesday, the tenth day of November, 1993

MR. N. DHARMADAN MEMBER (JUDICIAL)

MR. S. EASIPANDIAN MEMBER (ADMINISTRATIVE)

1. N. Cheriya Koya, Casual labourer  
Fibre Factory, Kadmat, U.T. of  
Lakshadweep

2. P.K. Aboobacker, -do-

3. P.B. Mohammed Basheer, -do-

4. V.I. Ashraf, -do-

5. K.K. Attakidave, -do-

Applicants

By Mr. M.K. Damodaran

vs.

1. Union of India represented by the  
Secretary to Department of Personnel  
and Training, Ministry of Personnel  
Public Grievances & Pensions, New Delhi

2. The Administrator, UT of Lakshadweep  
Kavarathy

3. The Director, Department of Industries  
U.T. of Lakshadweep, Kavarathy

Respondents

By M.F. M.V.S. Namoothiri (not present)

ORDER

N. DHARMADAN

The limited grievance of the applicants who have filed this application jointly under section 19 of the Administrative Tribunals' Act is that the respondents are not giving the benefit of the judgment of this Tribunal in O.A. 44/90 pronounced on 30.8.91 produced as Annexure A-1. According to the applicants, they have joined as casual labours under the respondents in the Fibre Factory at Kadamat. The dates of their joining are as follows:

1st applicant	21.10.87
2nd applicant	26.5.87
3rd applicant	20.6.87
4th applicant	23.11.87
5th applicant	20.1.89

2. After the judgment Annexure A-1, they have filed jointly representation Annexure 2 (M) dated 11.10.92 before

second respondent for getting the benefits of the judgment referred to above. Since the representation has not been disposed of so far, they have approached this Tribunal invoking the jurisdiction of the Tribunal under section 19 of the Administrative Tribunals' Act, 1985.

3. Though the respondents have filed reply, none appeared at the time of final hearing. In the reply they sought to defend their stand stating that the applicants are engaged as casual labourers only recently and they are at the initial stage of their career and learning different types of works. Hence, the case of the applicants are distinguishable for denying the benefit of Annexure-I judgment.

4. In Annexure A-1 judgment, the question considered was <sup>the</sup> claim for equal pay for equal work. Considering the contentions raised in that case, we held that casual workers who have been appointed between 1970-83 are entitled to the payment of wages on par with the regular employees doing the same work as the applicants. That case was disposed of with the following directions:

"In the facts and circumstances we allow the application direct that the applicant should be given daily wages at the rate of 1/30th of minimum of the pay scale of Rs. 750-940 during the period he worked as casual labourer and all other benefits which are admissible in accordance with the department of personnel's O.M.NO.49014/2/Est.(C) dated 7.6.88. 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."

5. The question <sup>which</sup> is to be considered is not the ~~like~~ <sup>of service</sup> but the nature of duty. If the casual mazdoors are doing similar work, they are entitled to equal pay. So, the contentions of the respondents that the applicants are recently inducted and they are at the stage of studying the work cannot be sustained in the facts of the two cases.

6. Having regard to the facts and circumstances of the case, we are of the view that the representation filed by the applicants deserves consideration by the second respondent in the light of the principles laid down by the Tribunal in Annexure-1 judgment. Accordingly, we direct the second respondent to verify the statement of the applicant and decide whether the applicants are similarly situated like the applicant in that case uninfluenced by the contentions raised in the reply. If on verification he is satisfied that the applicants are similarly situated like the applicant in O.A. 44/90, he shall grant the benefit of the decision in O.A. 44/90 to the applicants in this case also. This shall be done within a period of four months from the date of receipt of the copy of this order.

7. The application is disposed of as above.

8. There shall be no order as to costs.

S. K. Pandian

(S. KASIPANDIAN)  
MEMBER (ADMINISTRATIVE)

N. Dharmadan  
10.11.93

(N. DHARMADAN)  
MEMBER (JUDICIAL)

knn