BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

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1. Tr. Application No.~~XX/88~~ 473/87
2. Original Application No.283/87,
3. Original Application No.284/87,
4. Original Application No.285/87,
5. Original Application No.286/87,
6. Original Application No.287/87,
7. Original Application No.288/87, and
8. Original Application No.658/88.

Canteen Stores Department Employees Union, Bombay. ... Applicant

V/s.

1. The Union of India through General Manager, Canteen Stores Department, Bombay
2. The General Manager, Canteen Stores Department, Bombay. ... Respondents.

Coram: Hon'ble Vice-Chairman, Shri G.Sreedharan Nair, Hon'ble Member(A), Shri P.S.Chaudhuri.

Appearances:-

Applicant by Mr.D.V.Gangal.
Respondents by Mr.P.M.Pradhan.

Oral Judgment:- Dated: 13.2.1990

(Per Shri G.Sreedharan Nair, Vice-Chairman)

These applications were heard together and are being disposed of by a common order.

2. The applicants in all these applications is the Canteen Stores Department Employees Union. The grievance ventilated in these applications relates to employees who are on daily rated casual basis engaged against certain Group 'D' and Group 'C' posts . It is urged that despite their long continuous service no steps are taken for regularising the same and they are not paid the same salary as is given to persons in the regular establishment doing

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the same job. The relief claimed is for the same salary as ~~are~~ is paid to those in regular establishment and for regularisation of their services.

3. In the replies filed by the respondents it is stated that steps have been taken for regularisation. It is pointed out that the services of some of these applicants have actually been regularised, while certain others have been empanelled and are awaiting regularisation.

4. As regards the salary that is claimed by these applicants it was stated by the Counsel of the Respondents that an Office Memorandum has been issued on 7.6.1988 allowing casual workers $\frac{1}{30}$ of the pay at the minimum of the relevant pay scale that is given to a regular employee plus Dearness Allowance for work of eight hours a day, where the nature of the work entrusted to the casual worker and the regular employee is the same. ~~They~~ He also brought to our attention the order dt. 7.12.1989 issued on the strength of the aforesaid Office Memorandum calculating the rate per day at $\frac{1}{30}$ of the basic pay plus Dearness Allowance. The order further allows the daily rated employees a paid weekly off after 6 days of continuous work. However, this formula has been made effective only from 7.6.1988 the date on which the aforesaid Office Memorandum was issued.

5. Evidently, it was in view of the mandate given by the Supreme Court in its decision in Surinder Singh's case (A.T.R. 1986 S.C. 76) that the Office Memorandum referred to above has been issued. In that decision the Supreme Court had occasion to refer to the earlier decision in Randhir Singh's case where it has been held that the principle of equal pay for equal work

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is not an abstract doctrine. The direction in Surinder Singh's case was for payment of the same salary and allowances to such casual daily rated employees, as are paid to regular and permanent employees. The practice of keeping in service many employees on a temporary daily basis without regularising their services was also condemned by that decision.

6. Since the respondents have issued the order dt. 7.12.1989 based on the Government of India Office Memorandum dt. 7.6.1988, the direction as prayed for in these applications is no longer called for. However, as it was pointed out by Counsel of the applicants that effect has been given only from 7.6.1988, while it should have been allowed w.e.f. the date of engagement of these employees, we are of the view that a modification is called for so far as the said order dt. 7.12.1989 is concerned, to the effect that the employees covered by these applications and who continue to be in service as on today shall be allowed the benefit w.e.f. 1.1.1987 as the reliefs have been claimed through the Original Applications filed in the year 1987.

7. In respect of regularisation of the services, it was pointed out by Counsel of the respondents that among the employees who are holding Group 'C' posts and are covered by Original Applications No.284/87, 286/87 and 288/87, as at one time measure a test was conducted, and out of the 155 such employees 113 qualified themselves and their services have since been regularised. We record the submission, so that those 113 need not again be considered for the purpose of regularisation. However, it was pointed out that 18 of such employees did not appear for the test and the remaining 24 did not qualify themselves and that in accordance with the

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instructions contained the letter from the Secretary of the Board of Control Canteen Services dt. 20.6.1988 steps have been taken for terminating their services. Counsel of the applicants submitted that in the interest of justice those who had failed in the test, as well as those who could not appear should be allowed anotner chance. We are of the view that in these applications filed by the Union there is no scope for considering such relief. Suffice to state that in case any of those employees submit a representation for such consideration afresh, it will be duly looked into by the respondents.

8. As regards the employees working against Group 'D' posts covered by the ~~applications~~ Original Applications No.283/87, 285/87, 287/87 and 658/88 it was stated that there were 112 altogether, of ~~which~~ whom 40 have left, and out of the remaining the services of 50 among them have been regularised and the remaining 22 have been empanelled for the purpose of regularisation. Counsel of the respondents submitted that as and when vacancies arise, having regard to the seniority position those empanelled will also be regularised. It ~~is~~ was also stated that certain other employees of this category are waiting to be empanelled whose cases will also be promptly considered. We record the submission.

9. Incidentally, it has also to be pointed out that Writ Petition No.2895/83 that was filed before the High Court of Bombay, and which has been transferred to this Tribunal and numbered as Transferred Application No.478/87, takes in the employees working against both Group 'C', as well as Group 'D' posts, so that what we have stated earlier applies to them as well.

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10. In view of the foregoing discussion we are of the view that there is no necessity of issuing any specific directions to the respondents as has been prayed for in these applications. Accordingly, we close these applications with the directions above.