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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR.

O.A.NO. 739/88
TR.A.NO. —

199

DATE OF DECISION 21-4-1994

Sudhir Rambhau Ramgirikar & 7 ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

1. Whether it be referred to the Reporter or not ? *no*
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? *no*

MEMBER

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VICE CHAIRMAN

mbm

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

CAMP: NAGPUR

O.A.739/88

Sudhir Rambhau Ramgirikar & 7 Ors. .. Applicants

-versus-

Union of India & Ors. .. Respondents

Coram: Hon'ble Shri Justice M.S.Deshpande
Vice-Chairman

Hon'ble Shri M.R.Kolhatkar, Member(A)

Appearances:

1. Mr. Pendharkar
Counsel for
Applicants No.2 to 8
2. Mr. Vivek Bhangade
counsel for the
Respondents.

ORAL JUDGMENT:

Date: 21-4-1994

() Per M.S.Deshpande, V.c. (

Applicant No.1 in person. He files a pursis stating that he has been regularised since 1989 and the grievance does not survive. He is allowed to withdraw the application. His name may be deleted from the petition. The application will proceed in respect of other applicants.

2. By this application the seven remaining applicants seek a direction to the respondents to carry out the direction issued by the Supreme Court in U.P. Income Tax Department Contingent Paid Staff Welfare Association's case AIR 1988 SC 517 with regard to equal pay for equal work, regularisation and absorption and of pay and allowances ✓
arrears/ be paid them with interest. ✓

3. The applicants were employed between 25-7-81 to 1-1-85 as contingent-paid employees with Income Tax department and they have been working on wages ~~as~~ far less than those paid ~~for~~ ^{to} the

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regular workers. According to the respondents a committee was appointed for preparing a scheme as directed by the Supreme Court and arrears of wages payable to the applicants w.e.f. 1-12-86 to 30-6-88 have been drawn and paid on 18-8-88 and from 1-7-88 the applicants were being paid the minimum salary which is payable to regular employees doing similar work on monthly basis subject to the minimum of Rs.750/- together with dearness allowance and additional dearness allowance. The applicants by filing their rejoinder stated that no such scheme has been prepared and that they are being subjected to pecuniary ~~loss~~ loss in wages as well as date of absorption. The table attached to the rejoinder shows that the applicants were appointed on different dates between 26-2-90 and 27-9-91. ~~When~~ Additional submissions were filed by the applicants stating that there was an arbitrariness in the method of absorption by the respondents because three work^{ers} viz. Istari Mulande, Sharan Junankar and Dhanraj Hedao were appointed as casual appointees in 1983 but were absorbed in the post of regular Watchman / ~~Sweeper~~ on 18-11-1987 20-11-1987 and 27-11-1987 respectively, and one Mr. I.D. Patil who was also appointed ~~alone~~ almost on the same date also absorbed w.e.f. 20-2-1986. Few other names were also mentioned in order to show that certain other persons who were junior to the applicants were absorbed earlier and whatever scheme might have been prepared by the respondents in pursuance of the Supreme Court decision was not a rational scheme for absorption in respect of the Supreme Court's direction.

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4. The only question before us is whether the applicants were entitled to an earlier date of absorption. Learned counsel for the respondents showed us a communication dt. 18-10-89 by which the present applicants names were released for regularisation as per rules for filling up the posts of Sweepers/Farashes/Watchman. This is only an order of release of their names and not an order showing their appointment. The table which the applicants have filed along with the rejoinder is supported by the orders issued in favour of the applicants regarding offer of appointments and dates of joining duty and they are between 26-2-90 and 27-9-91. There is no answer to the supplementary submissions of the respondents regarding the three appointments of Istari Mulande, Sharad Junankar and Dhanraj Hedao on 18-11-1987, 20-11-87 and 27-11-87. It was possible for the respondents to produce material before us to show the order of seniority of these three persons in relation to the applicants but that was not done and ^{we are} ~~were~~ inclined to think that the applicants should have been granted absorption before these three persons from 18-11-87 and granted the arrears of wages, ~~dearness~~ dearness allowance and additional dearness allowance from that date.

5. In result we direct the respondents to absorb the applicants w.e.f. 18-11-87 and to pay them the arrears of pay as well as the benefit as a result of revision of pay scale retrospectively as are denied to the applicants based on the aforesaid date of absorption. The respondents

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should calculate the amount due to the applicants within two months from the date of receipt of a copy of this order and pay those amounts within the time aforesaid together with interest @ 6% p.a. from the date the amount became due for payment till the date of payment.

6. The entitlement of the applicant No.6 would be only upto 7-6-1988 as his services stood validly terminated w.e.f. that date. There will be no order with regard to applicant No.1 as he has withdrawn from the application today.

M.R. Kolhatkar

(M.R.KOLHATKAR)
Member(A)

M.S. Deshpande

(M.S.DESHPANDE)
Vice-Chairman

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