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ORIGINAL APPLICATION NO.11 of 1987

ORDER OF THE TRIBUNAL

The applicant herein has been working as Casual Labourer in the office of the Director, Small Industries Service Institute, Hyderabad. She states that she was initially appointed on 6.2.1969 on daily wages @ Rs.2.50. The daily wage has been enhanced from time to time. When the daily wages were increased from Rs.5.50 to Rs.6.50 per day, the applicant sought for regularisation and she was informed on 4.9.1984 by the 2nd respondent that as and when a post falls vacant, her case will be considered for regularisation. The applicant contends that since she has been working as casual labourer for about 18 years, she is entitled for a post on regular basis from the date on which she was initially appointed i.e., from 6.2.1969 and that the action of the respondents in not regularising her services is arbitrary and unconstitutional and, therefore, seeks a direction to the respondents to absorb her on regular basis either as Sweeper/ Attender or any other equivalent post w.e.f. 17.1.1969 with all consequential benefits such as seniority, arrears of salary etc.

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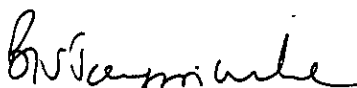
3rd
for


2. On behalf of the respondents a counter has been filed stating that the applicant was initially appointed in the last 1969 and has been working in the post for ~~17~~ 17 years as casual labourer with interruption of ~~work~~ break for some months in the middle. It is stated that the services of the applicant were terminated due to bad habit of stealing records. However, on humanitarian grounds, she was taken as casual labourer later. For want of suitable post, she could not be absorbed in regular post.

3. We have heard leard counsel for the applicants and Shri Madan Mohan Rao, Standing counsel for the respondents. It is stated that by an order dated 14.6.1988 the applicant has been regularly appointed as a Sweeper with effect from 30.12.1987 in the pay scale of Rs.750-940. The main argument now advanced by Shri Narasaiah, Counsel for the applicant that the applicant is entitled to back wages from the date she was appointed as casual labourer in the year 1969. He relies upon a decision reported in 1988(1) Supreme Court Cases 122 (Daily Rated casual labour employed under P&T Department through Bhartiya Dak Tar Mazdoor Manch Vs. Union of India and others) wherein the casual labourers who were doing work similarly to that of regular workers in the Department would be entitled to the minimum pay scale of the regular employees plus DA and increments from the date of filing of the petition before the Supreme Court. After considering the case, the Supreme Court awarded backwages to the petitioners therein from the date they filed the writ

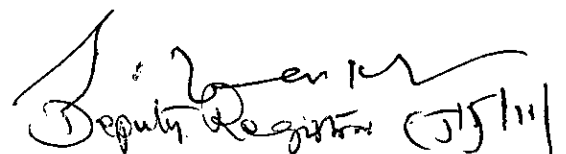
petition. In the present case, the applicant filed this application on 7.1.1987 and the benefit has been given from 30.12.1987. We, therefore, direct that for the period from 7.1.1987 to 30.12.1987, the applicant shall be paid the difference, in the daily wage calculation at 1/30th of the pay of a regular employee in the minimum of the time scale plus other allowances and the amount actually paid. This shall be calculated and paid within a period of two months from the date of receipt of this order. The application is accordingly disposed of. There will be no order as to costs.

(Dictated in the open Court)


(B.N. JAYASIMHA)
Vice Chairman


(D. SURYA RAO)
Member (J)

Dated: 4th November, 1988


Deputy Registrar (J5/111)

vsn

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