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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD.

O.A.NO. 688 of 1989

Date of Order: 23.11.89

M.Damodarudu and 9 others .. Applicant

Versus

The Sub Divisional Officer,  
Telecom, Tadipatri and  
4 others .. Respondents.

...

For Applicants: Mr.C.Suryanarayana

For Respondents: Mr.E.Madan Mohan Rao, SC for Department

..

C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI J.N.MURTHY: MEMBER (JUDICIAL)

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(Judgment delivered by Shri B.N.Jayasimha, Vice Chairman)

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1. This is an application filed by nine Casual Mazdoors (applicants 1 to 9) and All India Telecom Employees' Union, Line Staff and Class IV, Anantapur District branch, represented by its District Secretary (Applicant no.10) in a representative capacity. They have filed this application seeking a direction to the respondent to pay them daily wages equal to the per day wage of a Group 'D' employee.

2. The applicants state that they have been working as Casual Mazdoors in Telephone Department having been engaged on various dates from 1982 onwards. They say that

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they are being paid wages at the reduced rates of Rs.12/- per day on the ground of break in service, etc. The applicants have given the following particulars relating to their engagement, wages, etc:

<u>Name of the Applicant</u>	<u>Period for which wages were paid at lower rates and other remarks, if any:</u>																																																	
1. M.Damodarudu	Paid at Rs.12-00 per day for June & July, 1986 and from December, 1987 to May, 1988																																																	
2. M.Ramalinga Reddy	<table> <thead> <tr> <th>Month</th> <th>Days</th> <th>Due</th> <th>Paid</th> <th>Balance Due</th> </tr> </thead> <tbody> <tr> <td>April '89</td> <td>18</td> <td>580-00</td> <td>207-00</td> <td>Rs.373-00</td> </tr> <tr> <td>May '89</td> <td>9</td> <td>281-00</td> <td>103-00</td> <td>Rs.177-00</td> </tr> <tr> <td>June '89</td> <td>30</td> <td>965-00</td> <td>345-00</td> <td>Rs.623-00</td> </tr> <tr> <td>July '89</td> <td>5</td> <td>156-00</td> <td>61-00</td> <td>Rs. 95-00</td> </tr> <tr> <td>Sept.'89</td> <td>30</td> <td>968-00</td> <td>360-00</td> <td>Rs.608-00</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>-----</td> </tr> <tr> <td></td> <td></td> <td></td> <td>Total</td> <td>Rs1876-00</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>-----</td> </tr> </tbody> </table>					Month	Days	Due	Paid	Balance Due	April '89	18	580-00	207-00	Rs.373-00	May '89	9	281-00	103-00	Rs.177-00	June '89	30	965-00	345-00	Rs.623-00	July '89	5	156-00	61-00	Rs. 95-00	Sept.'89	30	968-00	360-00	Rs.608-00					-----				Total	Rs1876-00					-----
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3. K.Rajaiah	Being paid @ Rs.12-00 per day from August, 1986, though entitled to wage @ 1/30th of monthly wage of a Group 'D' employee.																																																	
44x K.Surya Prasad	Being paid @ Rs.12-00 per day from 1-4-1989 onwards, though entitled to wage 1/30th of monthly wage of a Group 'D' employee.																																																	
5. M.V.Raghava Reddy	Being paid only @ Rs.12-00 per day from 1-4-89 onwards --do--																																																	
6. N.Rangappa	Being paid only @ Rs.12-00 per day from 1-5-89 onwards -- do --																																																	
7. B.Rangaswamy	Paid @ Rs.12-00 per day for the period March to Sept.1988 and being paid only at Rs.12-00 per day from 1-4-1989 onwards -- do --																																																	
8. L.Jayarami Reddy	Being paid only @ Rs.12-00 per day from 1-2-89 onwards -- do --.																																																	
9. M.Ranganayakulu	Being paid @ Rs.12-00 per day from 1-4-89 onwards --do--																																																	
10. Applicant no.10 is Divisional (Anantapur district) Union representing the above and a large number of other applicants, some of whom are being paid at a rate lower than the full rate @ 1/30th of the wage of a Group 'D' employee. Hence, a declaration is necessary that any Mazdoor is entitled full wage @ 1/30th of the wage of a Group 'D' employee for the days for which he was engaged																																																		

They, therefore, contend that non-payment of wages equal to the per day wage of a Group 'D' employee is in violation of the directions of the Supreme Court

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To:

1. The Sub-Divisional Officer, Telecom., Tadipatri-515 411.
2. The Sub-Divisional Officer, Telecom., Guntakal-515 801.
3. The Telecom District Engineer, Anantapur-515 050.
4. The Chief General Manager, Telecom., A.P.Hyderabad-500 001.
5. The Director-General, Telecom, (representing Union of India) New Delhi-110 001.
6. One copy to Mr.C.Suryanarayana, Advocate, 1-2-593/50, Sri Nilayam, Sri Sri Marg, Gaganmahal, Hyderabad-500 029.
7. One copy to Mr.E.Madan Mohan Rao, Addl. & & CGS&CAT, Hyd.
8. One spare copy.

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kj.

*ACW*  
Service at (P.302)  
on 21/11/09.

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in Daily Rated Casual Labour employed under P&T Department Vs. Union of India (AIR 1987 SC 2342).

3. We have heard the learned counsel for the applicant Shri Suryanarayana and Shri Madan Mohan, Learned standing counsel for the department.

4. The Supreme Court in Daily Rated Casual Labour Vs. Union of India (AIR 1987 SC 2342), directed as follows:

"...to pay wages to the workmen who are employed as casual labourers belonging to the several categories of employees in the Postal and Telegraphs Department at the rates equivalent to the minimum pay in the pay scales of the regularly employed workers in the corresponding cadres but without any increments."

It follows, therefore, that every Casual Labour is entitled to 1/30th of monthly wage of a Group 'D' employee. We accordingly allow the application and direct the respondents to pay wages as directed by the Supreme Court in the above referred case. The arrears due to them from the date reduced wages were paid will also be calculated and disbursed within six weeks from the date of receipt of this order.

5. In the result, the application is allowed with the above direction. No costs.

*B.N.Jayasimha*  
(B.N.JAYASIMHA)  
VICE CHAIRMAN

*J.N.Murthy*  
(J.N.MURTHY)  
MEMBER (J)

DT. 23<sup>W</sup> NOVEMBER, 1989.

*Enclosed today*

*Be*  
*affd*

SQH\*

.....

*W.L.S.*  
REGISTRAR.

Rephr  
24/11/89  
24/11/89

Draft by: ✓ Checked by: ✓ Approved by  
D.R. (S)

Typed by: ✓ Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH.

HON'BLE MR. B. N. JAYASIMHA: (V.C.)  
AND  
HON'BLE MR. D. SURYA RAO: MEMBER (JUDGE)  
AND  
HON'BLE MR. D. K. CHAKRAVORTY: MEMBER (A),  
AND  
HON'BLE MR. J. NARASIMHA MURTHY: MEMBER (J)

DATED: 23.11.89

ORDER/JUDGMENT

M.A./R.A./C.A./No. in

T.A. No. (W.P. No. )

O.A. No. 688/89

Admitted and Interim directions issued.

Allowed with direction

Dismissed without (or)

Disposed of with direction.

M.A. Ordered.

the Application

No order as to costs.

Sent to Xerox on:

