

(19)

ON THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A.NO. 105 of 1990

Date of Order:05/03/90

C.L.Satyanarayana RaoApplicant

Versus

The Sub-Divisional Officer,
Telecom, Guntakal and others ..Respondents

...

For Applicant: Mr.C.Suryanarayana, Advocate

For Respondents: Mr.E.Madan Mohan Rao, Addl.CGSC

...

C O R A M

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

HON'BLE SHRI D.SURYA RAO: MEMBER(JUDICIAL)

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(Judgment delivered by Hon'ble Shri B.N.Jayasimha, VC)

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1. This application is filed by a Casual Mazdoor working under SDO Telecom, Guntakal, for a direction to the respondents to pay him daily wages equal to the per day wage of a Group D employee.

2. The applicant states that he was initially recruited and employed at Anantapur with effect from 1-9-1981. He was transferred from one sub-division to various other sub-divisions and he was again shifted to Guntakal Sub-Division on 9-12-1982. In between May 1986 to June, 1987, the applicant was not engaged on account of his illness. He, however, continued to be

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engaged with effect from 17-7-1987. It is stated that He was employed almost continuously till 9-12-89 except for the period from 16-11-1987 to 30-4-1988 during which he was not offered any work due to departmental reasons and for reasons beyond the control of the applicant. It is contended that till 15-11-1987, the applicant was paid full wage at the rate of 1/30th of the monthly wage of a Group 'D' employee as per directions of the Supreme Court in Daily Rated Casual Labour in P&T versus Union of India (AIR 1987 SC 2342). But, from the month of May, 1988, he was paid daily wage of Rs.12.00 per day. The applicant states that From May 1988 to December, 1989, he worked for 469 days and he was always engaged on Muster Rolls. The full wage payable to the applicant during the said period varied from Rs.26/- per day to Rs.34/- per day depending upon the the rate of DA and thus, it is contended that the applicant is entitled to arrears of his wages amounting to nearly Rs.10,000/-. He contends that similarly placed employees in O.A.No.688/89 were given the benefit of higher wages computed at 1/30th of the Monthly wage of a Group D employee. Though the applicant approached the Ist respondent soon after the order dt.23-11-89 in OA.no.688/89 was communicated, but the same is denied to him. Hence, he filed this application.

3. We have heard the learned counsel for the applicant and Shri E.Madan Mohan Rao, Addl.Standing Counsel for the Department.

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4. The earlier decision in O.A.No: 688 of 1989 dated 23-11-1989 which is based on the Supreme Court's decision in Daily Rated Casual Labour Vs. Union of India (AIR 1987 SC 2342), is applicable to this case also. Accordingly, we direct the respondents to pay the the wages as directed by the Supreme Court in the above-referred case. The arrears due to the applicant from the date reduced wages were paid will also be calculated and disbursed within two months from the date of receipt of this order. The application is allowed with the above directions. No costs.

(Dictated in open court)

B.N.Jayashimha
(B.N.JAYASIMHA)

VICE CHAIRMAN

D.Surya Rao
(D.SURYA RAO)
MEMBER (JUDL.)

DT.5th March, 1990.

Deputy Registrar
DEPUTY REGISTRAR (J)

SQH*

TO:

1. The Sub-Divisional officer, Telecom, Guntakal-515 801.
2. The Telecom Distt Engineer, Anantapur-515 050.
3. The Director-General, Telecom, (representing Union of India) New Delhi-110 001.
4. One copy to Mr.C.Suryanarayana, Advocate, 1-2-593/50, Sri Nilayam, Sri Sri Marg, Gaganmahal, Hyderabad-29.
5. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC, CAT, Hyderabad.
6. One spare copy.

k.j.

13/3/90

Draft by: Checked by: Approved by
D.R.(J)

Typed by: Composed by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH.

HON'BLE MR. B. N. JAYASIMHA: (V.C.) ✓
A N D

HON'BLE MR. D. SURYA RAO: MEMBER (SUDL) ✓
A N D

HON'BLE MR. J. NARASIMHA MURTHY: (M) (J)
A N D

HON'BLE MR. R. BALASUBRAMANIAN: (M) (A)

DATED: 5.3.90

ORDER/JUDGMENT: ✓

M.A./R.A./C.R./No. 26

13/3/90 (b.P.No.)

Q.D. No. 105/90.

Admitted and interim directions
issued.

Allowed.

Dismissed.

Allowed of with direction. NO costs ✓

M.A. Ordered.

No order as to costs.

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