

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

37

O.A. No. 34 of 1991

Date of Decision :

~~Ex. No.~~

Mrs. ~~Wm~~ Urmila and 2 others

Petitioner.

Mr. P. Subba Rao

Advocate for the
petitioner (s)

Versus

Union of India and 2 others

Respondent.

Mr. N. Bhaskar Rao, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J. Narasimha Murthy, Member (Judl.)

THE HON'BLE MR. R. Balasubramanian, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HJNM
M (J)

HRBS
M(A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 34 of 1991

DATE OF JUDGMENT: 11-6-1991

BETWEEN:

1. Smt. Urmila
2. Smt. Laxmi
3. Smt. M. Lalitha .. Applicants

AND

1. The Union of India, represented by
its Secretary to Government,
Ministry of Steel & Mines,
Department of Mines,
New Delhi.
2. The Director General,
Geological Survey of India,
Calcutta-16.
3. The Deputy Director General,
Geological Survey of India,
Training Institute,
Hyderabad-1. .. Respondents

COUNSEL FOR THE APPLICANTS: Mr. P. Subba Rao

COUNSEL FOR THE RESPONDENTS: Mr. N. Bhaskar Rao, Addl. CGSC



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CORAM:


Hon'ble Shri J.Narasimha Murthy, Member (Judl.)

Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI J.NARASIMHA MURTHY, MEMBER (JUDL.)

The petitioners filed this petition for a direction to the 2nd and 3rd respondent herein to implement the payment of equal pay for equal work to the petitioners as per Office Memo No.49014/2/86-Estt.(C), dated 7.6.1988 on par with the regular Group-D employees of the Department from 7.6.1988 to 30.4.1990. The facts of the case are briefly as follows:-

The petitioners who are working as contingent workers in the Geological Survey of India, Training Institute, Hyderabad under the 3rd respondent's office from 1.6.1982, 12.1.1983 and 8.4.1984 respectively were not paid equal wages for equal work on par with the Group-D regular employees of the Department. The Government of India issued instructions to pay equal wages for equal work to all the contingent workers vide O.M. dated 7.6.1988, wherein it is clearly indicated that the payment of equal pay for equal work should be done with effect from 7.6.1988 to all such contingent workers in the Department of Geological Survey of India. The petitioners made representations for consideration of equal pay for equal work with effect



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from 7.6.1988 to them as they were denied of the same under Articles 14 & 39(d) of the Constitution of India, from 7.6.1988 to 30.4.1990. The applicants have been working as contingent workers ~~from the date~~ from the date of their engagement on part-time basis and they were paid Rs.300/- per month upto 30.5.1989 and subsequently they were asked to attend the duties of the Messenger, Safaiwala, and Sweeper in addition to their regular duties on full time basis and paid Rs.600/- per month upto 30.4.1990 by an order dated 31.5.1989 of the 3rd respondent. They should have been paid atleast from the date of converting them into full time workers from 1.6.1989.

2. The applicants 2 and 3 were engaged on part-time basis from the date of entry into service where the applicant No.1 was engaged on full time basis from her entry into service. Therefore, the 1st applicant is eligible to get the equal pay for equal work from 7.6.88 to 30.4.1990. So, the applicants filed the present application for the above said relief.

3. The respondents filed a counter affidavit with the following contentions:-

The 1st applicant was paid Rs.600/- per month from 1.6.1982, the 2nd applicant was paid Rs.300/- ~~from~~ per month from 12.1.1983, the 3rd applicant was paid Rs.300/- per month from 8.10.1984 and the 2nd and 3rd applicants were paid

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Rs.600/- per month from 1.6.1989. All the three applicants were on part time job upto 30.4.1990. Consequent upon shifting of the office to Chandravihar Building, all the applicants were given full time work from 1.5.1990 and were also brought on equal wage from that date. In fact, it is stated that the respondents are not under any obligation to bring them on equal wage because the applicants were doing odd jobs but in order to bring them on par with other contingent workers, they were also afforded the facility of equal wage from 1.5.1990. The applicants do not fall under the category of employees eligible to appeal to the Central Administrative Tribunal and hence the application is liable to be dismissed, as decided by the Central Administrative Tribunal, Jabalpur Bench reported in (1988) 7 ATC 925. The applicants are not entitled for equal wage from 1.6.1989 because upto 30.4.1990 they were on part-time duty and were paid monthly remuneration only. There is no comparison between the other contingent workers and the applicants before 1.5.90. Hence, their request for equal wage from 1.6.1989 is liable to be rejected. Prior to 1.5.1990, the applicants have no definite status of employment, hence the O.A. is not maintainable and the Tribunal has no jurisdiction to go into the matter, and the application is liable to be dismissed on the above ground.

4. Shri P.Subba Rao, learned counsel for the applicants, and Shri Naram Bhaskar Rao, learned Additional Standing counsel for the respondents/Central Government, argued the matter.



fact
5. It is an admitted ~~that the~~ the applicants have been working under the respondents as contingent workers from 1.6.1982, 12.1.1983 and 8.4.1984 respectively and paid Rs.300/- per month upto 30.5.1989 on part-time basis and they were asked to do additional duties on full time basis and were paid Rs.600/- per month upto 30.4.1990 by an order dated 31.5.1989. These are all the facts.

6. No doubt, the applicants ^{might} ~~must~~ ^{tw} have joined as contingent workers but the Department extracted ^{full time} work from them. ^{through out the day} Whether they call it part-time or full time, they have actually extracted work from the applicants. The Government taken a decision that the workers are eligible for equal pay for equal work with effect from 7.6.1988 but the applicants were not paid the same. The respondents admitted ~~xxxx~~ in their counter also that the applicants were paid Rs.600/- per month upto 30.4.1990 and they also admitted in the counter that they are extracting full time work after their office was shifted from the original place. After doing full time work, the applicants are entitled to full wages on par with the other similarly placed workers. The applicants joined as contingent workers in 1982, 1983 and 1984 respective ^{-ly} and if workers complete 240 days of continuous work, they are ^{eligible} ~~entitled~~ to be regularised and they are also entitled to the regular pay scales but here in this case, the respondents did not observe the principles laid down in the Industrial Disputes Act. Moreover, the



To

1. The Secretary to Govt., Union of India,
Ministry of Steel & Mines, Dept.of Mines,
New Delhi.
2. The Director General, Geological Survey of India,
Calcutta-16.
3. The Deputy Director General, Geological
Survey of India, Training Ins~~titute~~titute, Hyderabad-1.
4. One copy to Mr.P.Subba Rao, Advocate
4-1-198, Hanuman Takdi, Hyderabad
5. One copy to Mr. N-Bhaskar Rao, Addl.CGSC.CAT.Hyd.
6. One spare copy.
- 7) One Copy -to Hon'ble Mr.J.Narasimhamurti, Member (S)

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respondents did not apply the Government decision of equal pay for equal work with effect from 7.6.1988. The respondents alleged that there is no comparison with the other contingent workers to the applicants and so the applicants are not entitled ~~to~~ for equal pay for equal work. It is an admitted fact that the respondents are extracting full time work from the applicants. They ~~work doing~~ ^{doing} may be different ~~work~~ but the applicants are struggling and working under the respondents as any other workers similarly placed. Other Group-D employees are getting their pay scales as per the rules for equal pay for equal work with effect from 7.6.1988 and they are also similarly placed to the applicants and as the applicants are also doing the same work they should not be denied the legitimate right for equal pay for equal work they have done. The applicants also come under the Group-D category and they are also entitled to get wages on par with the other Group-D employees. So, we direct the respondents 2 and 3 to implement ^{the} payment of equal pay for equal work to the applicants as per O.M.No.49014/2/86-Estt.(C), dated 7.6.1988 on par with the regular Group-D employees of the Department from 7.6.1988 to 30.4.1990, as prayed for by the applicants.

7. The application is accordingly allowed. There is no order as to costs.




(J. NARASIMHA MURTHY)
Member (Judl.)



(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 11 June, 1991.


Deputy Registrar (J)