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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.698 of 1992

DATE OF JUDGMENT: 14 OCTOBER, 1992

BETWEEN:

Mr. B. Mallaiah

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Applicant

AND

1. The Telecom District Engineer,
Karimnagar.
2. Union of India represented by
the Director-General,
Telecom,
New Delhi.

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Respondents

COUNSEL FOR THE APPLICANT: Mr. C. Suryanarayana

COUNSEL FOR THE RESPONDENTS: Mr. N.V. Ramana, Addl. CGSC

CORAM:

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

Hon'ble Shri C.J. Roy, Member (Judl.)

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

Shri B.Mallaiah filed this application under Section 19 of the Administrative Tribunals Act (Act 13), 1985 claiming a relief, "to declare that he is entitled to daily wage at the rate of 1/30th of the monthly wage of Group 'D' employee including wages for weekly-off days and Telegraph and National holidays and consequently to pay him the difference in his wages as submitted in paras 4.5 and 4.6 of this application immediately as directed in O.A.No. 688/89."

2. The applicant registered his name in the District Employment Exchange on 8.7.1985 under Registration No. 41/85/0450. In June 1988 he was employed for six days as casual mazdoor in leave vacancies and similarly he was employed for two days each in January and May 1989 as per Annexure A-1, certificate issued by the Junior Telecom Officer, Karimnagar.

3. From August 1989 the applicant was continuously employed and even now he is working in that office, as per Annexure A-2, as casual mazdoor for the period from August 1989 to June 1992 but he claims that his employment in July 1992 could not be filed as the particulars are not recorded in his Mazdoor Days Book. He states that

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Annexure A-2 will disclose that the applicant was employed continuously through out the month in the entire period from August 1989 till the date except that in September and October 1989 he was employed only for 13 and 21 days respectively, for 14 days each in March 1990 and November 1990 and 20 days in June 1991. He also avers that weekly-off days (Sundays) and Telegraph and National holidays on which the ~~CO~~ office remained closed have not been shown in Annexure A2 as the working days and that he was not paid on those days.

4. He also avers that he was paid at the rate of Rs.15/- per day and not as per the mandate of the Supreme Court or the orders/instructions of the 2nd respondent ie., at 1/30th of the monthly wage of a Group 'D' employee. Since the basic pay of the Group 'D' employee is Rs.750/- per month, his daily wage equivalent works out to Rs.25/- per day.

5. The dearness allowance between 1.1.1988 to 30.6.1988 was 18%. In June 1989 the DA was paid @ 29%. So the daily wage in that period works out to Rs.32=25. Similarly, the daily wage during July to December 1989 was Rs.33=50, during January to June 1990 was Rs.34=50, between July to December 1990 it was Rs.35=75 per day. The daily wage

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between January and June 1991 was Rs.37=75, between July to December 1991 it was Rs.40/- per day while the daily wage between January to June 1992 was Rs.42=75 per day. This rate is paid since July 1992 as the increase in the DA rate has been announced as 83% only two days ago.

6. In view of the foregoing averments, the applicant claims that he is entitled to the following amounts as shown in the table ie.,

| S.No. | Period | No. of days of work | Rate of Wage Rs. | Total due Rs. |
|-------|------------------|------------------------|--------------------------------|--|
| 1. | June 1988 | 6 | 29=50 | 177=00 |
| 2. | Jan. & May 1989 | 4 | 32=25 | 129=00 |
| 3. | Aug. to Dec. '89 | 138 | 33=50 | 4623=00 |
| 4. | Jan. to June 90 | 166 | 34=50 | 5727=00 |
| 5. | July to Dec. 90 | 184 | 35=75 | 6578=00 |
| 6. | Jan. to June 91 | 182 | 37=75 | 6870=50 |
| 7. | July to Dec. 91 | 184 | 40=00 | 7360=00 |
| 8. | Jan. to July 92 | 183+31=214 | 42=75 + 3=00 for 31 days | 9148=50 93=00 ----- 40,613=00 93=00 ----- 40,706=00 ----- |

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The applicant also claims increased rate in the Dearness Allowance from July 1992 as and when it is increased. The applicant submits that in the above period, he was paid a total wage of only Rs.12,345/- but an amount of Rs.28,461/- was withheld from him. He says, in Damodarudu and 9 others v. SDOT, Tadipatri and 4 others in OA No.688/89, this Hon'ble Tribunal declared on 23.11.1989 that every casual labourer is entitled to a daily wage equivalent to 1/30th of the monthly wage of a Group 'D' employee and directed the respondents therein to pay the same.

6. The applicant made a representation Annexure A-3 dated 24.6.1992 to the 1st respondent stating that he was paid only Rs.15/- as his daily wage and requested that he may be paid full wage on par with the other casual mazdoors on the principle of equal work, equal wage. No action is taken. Hence, this application.

7. Shri N.V.Ramana, learned Additional Standing Counsel for the Respondents files a letter No.TA/LC/5-80/92, dated 24.9.1992 from the Chief General Manager, Telecommunications, A.P., Hyderabad addressed to him, wherein it is stated that the applicant was engaged as casual mazdoor purely on casual basis during the period from June 1988 to August 1992, as under-

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| <u>Year</u> | <u>Number of days worked</u> |
|-------------|------------------------------|
| 1988 | 6 days |
| 1989 | 107 days |
| 1990 | 272 days |
| 1991 | 284 days |
| upto 8/92 | 203 days |

The applicant was paid Rs.15/- per day for the work done by him and he was paid monthly.

8. We have heard the learned counsel for the applicant Mr. C.Suryanarayana and the learned Additional Standing Counsel for the Respondents, Mr. N.V.Ramana. We ~~have~~ also perused the Judgment in O.^A.No.688/89 dated 23.11.1989.

9. Annexure A-1 to the application is the certificate showing the days of work done by the applicant for 10 days. Annexure A-2 is the statement showing the work done by the applicant during the period from August 1989 to June 1992. Annexure A-3 is the representation to the Telecom District Engineer dated 24.6.1992 claiming payment of full wages.

10. It is admitted in the counter and also in the arguments that the applicant was employed in 1988 for 6 days, in 1989 for 107 days, in 1990 for 272 days, in 1991 for 284 days and in 1992 (upto 8/92) for 203 days, that he was

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engaged as casual mazdoor from June 1988 to August 1992 purely on casual basis as per the details furnished which are Annexures A-1 and A-2. Both the counsel agree that this case is covered by the Judgment of this Hon'ble Tribunal in O.A.No.688/89 dated 23.11.1989.

11. The Hon'ble 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."

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

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13. We are not inclined to grant any interest as the O.A. is filed only on 13.8.1992 whereas the claim of the applicant relates to the period from 1989. That apart, no interest is claimed in the main relief.

14. In the result, the application is allowed with the above directions with no order as to costs.

R. Balasubramanian

(R. BALASUBRAMANIAN)
Member (Admn.)

(C.J. ROY)
Member (Judl.)

Dated: 13th October, 1992.

823/10/92
Dy. Registrar (Judl.)

Copy to:-

1. The Telecom District Engineer, Karimnagar.
2. Director-General, Telecom, Union of India, New Delhi.
3. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

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S.M.P. 23/10/92*
vsn

(4) O.P. 698742

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY :
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 13/10/1992

ORDER / JUDGMENT

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

O.A. No

in 698742

T.A. No

(W.P. No)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

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