

(42)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH  
AT HYDERABAD.

O.A.NO.744 of 1992.

Between

Dated: 17.2.1995.

P.Sree Rama Murthy

...

Applicant

And

1. The Executive Engineer, CPWD, Civil Division-II,  
Kendriya Sadan, Sultan Bazar, Hyd.
2. The Superintending Engineer, CPWD, Nirman Bhavan,  
Sultan Bazar, Hyd.
3. The Director General, Works, CPWD(representing Union of  
India), Nirman Bhavan, New Delhi.

...

Respondents

Counsel for the Applicant : Sri. C.Suryanarayana

Counsel for the Respondents : Sri. N.V.Raghava Reddy, Addl.  
CGSC.

CORAM:

Hon'ble Mr. A.V.Haridasan, Judicial Member

Hon'ble Mr. A.B.Gorthi, Administrative Member

Contd:...2/-

✓

118

.. 2 ..

O.A.No. 744/92

Date of Order: 17.2.95

( As per Hon'ble Shri A.V.Haridasan, Member (Judl.) )

---

The applicant was engaged as a casual Draughtsman Grade III on daily wages continuously during the period from 21.2.86 to 31.3.87 for total number of 277 days excluding weekly holidays and national holidays. He was not engaged thereafter. The claim of the applicant is that in view of the decision of the Supreme Court in Surinder Singh and another v. Engineer-in-Chief, CPWD and others 1986 SCC (L&S) 189 and the decision taken by the Government of India pursuant that to the applicant is entitled to be absorbed against an existing or future vacancy as Draughtsman as also to payment of difference in wages between what was paid during the order and the pay applicable to the Draughtsman 'C'. The applicant has therefore filed this application for the above said reliefs finding that his representation in this regard did not yield any fruit.

2. The respondents in their reply have contended that the applicant who was engaged on daily wages left the department on his own and therefore he is not entitled to any reliefs as sought.

3. Heard learned counsel for the parties. We have also perused the pleadings and relevant documents on record. The claim of the applicant for re-engagement and regularisation in service as only to be rejected because he was disengaged in 1987 and has not made any claim for

Copy To.-

1. The Executive Engineer, CPWD, Civil Division-II, Kendriya Sadan, Sultan Bazar, Hyd.
2. The Superintending Engineer, CPWD, Nirman Bhawan, Sultan Bazar, Hyd.
3. The Director General Works, CPWD, (representing Union of India), Nirman Bhawan, New Delhi.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

.. 3 ..

49

re-engagement ~~on~~ regularisation before filing this application. He had made representation ofcourse claiming the difference in wages but this also has not given to him. In view of the government decision contained in letter of Government of India, Ministry of Urban Development dated 5.3.1990 (Annexure A-3) taken pursuant to the judgement of the Supreme Court in Surinder Singh v. Engineer-in-Chief, CPWD and others, the contention of the respondents that the applicant is not entitled to the difference in wages cannot stand. Since the applicant was admittedly working against a leave vacancy of Draughtsman Grade-III on a daily rate basis, in view of the above said decision he is entitled to get the difference between the pay and dearness allowance attached to that post for the period for which he had worked and the daily wages paid to him during the period in question.

4. In the light of what is stated above we dispose of this application with a direction to the respondents to pay the applicant the difference between the pay and dearness allowance at <sup>the</sup> minimum of the scale for the post of Draughtsman Grade III and what was already paid to him as daily wages during the period he worked with interest at <sup>per annum</sup> 12% from the date of filing of the application within a period of 3 months from the date of communication of this order. No order as to costs.

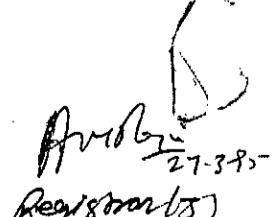
  
(A.B. GORDHI)  
Member (Admn.)

  
(A.V. HARIDASAN)  
Member (Jud. I.)

Dated: 17th February, 1995

(Dictated in Open Court)

sd

  
Dr. Registrars

Contd - 41

OA. 744/92

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

DATED : 17/2/95

ORDER/JUDGEMENT.

~~M.A.R.P/C.P.No.~~

O.A.N.C.

in  
744/1

Admitted and Interim directions  
issued

~~Followed~~

Disposed of with Directions

~~Dismissed~~

~~Dismissed as withdrawn~~

~~Dismissed for Default.~~

~~Rejected/Ordered~~

~~No order as to costs.~~

YLKF

NO SPARE COPY  
7

