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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD

C.A.915 OF 1995.

Date of Order:30-3-1998.

Between:

1. N.J.Ramulu.
2. Mrs.Sakkubai.
3. N.Ganeshan.

.. Applicants

and

1. The Director General, Posts,
Department of Communications,
Dak Sadan, Sansad Marg,
New Delhi.
2. The Chief Postmaster General,
A.P.Circle, Hyderabad-500 001.
3. The Director of Postal Services,
Hyderabad City Region,
O/o the Postmaster General,
Hyderabad-500 001.
4. The Senior Superintendent of
Post Offices,
Hyderabad City Division,
Hyderabad-500 001.
5. The Senior Postmaster,
Khairtabad Head Post Office,
Khairtabad, Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANT :: M/s N.D.Kulkarni
: M/s S.Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS: M/s V.Rajeswara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR? MEMBER (JUDL)

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ORAL ORDER(PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER(J))

None for the applicants and Mr.V.Rajeshwara Rao for the Respondents.

2. This matter was taken up for hearing on 27-3-1998. On that day the learned Counsel for the Applicant was directed to produce the letters mentioned in the O.A. and if those letters were not produced then we will be constrained to decide the O.A. in accordance with the Judgment in O.A.No.98 of 1991.

3. We posted this O.A. for today for Judgment.

4. The learned Counsel for the applicant is absent and also he has not produced the letters referred to in the O.A. Hence, we have no other alternative but to follow the directions given in the O.A.No.98 of 1991.

5. There are three applicants in this O.A. They submit that the first applicant was appointed as Part-time Contingent Gardener at Khairtabad Post Office with effect from 19-5-1975. The second applicant was appointed as Part-time Sweeper from 1-1-1977 and the 3rd applicant was appointed as Part-time Contingent Mail Carrier(Casual Labourer for six hours) with effect from 14-11-1984 and they submit that they have been continuously working from these respective dates.

6. They submit that the Superintendent of Post Offices, vide his Letter No.A/8-1/Rlg/dated:19-1-1991 addressed to the Senior Postmaster, Khairtabad ordered for the recovery of the excess wages paid to the part-time contingent staff at Khairtabad Head Office. Accordingly, the Senior Superintendent of Post Offices, Hyderabad further directed to recover the excess amounts paid at the rate of Rs.200/- per month from 1-6-1995.

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In accordance with these instructions, the Senior Postmaster, Khairatabad ordered the Treasurer, Delivery Building, vide Letter No.E.2/Accts.II/NPC.Dlg, dated:4-7-1995(Page.4 to the OA) to recover an amount of Rs.200/- per month from the wages of part-time contingent staff. It is stated that without any notice, the ^{Ordered} respondents have to recover Rs.200/- from their wages.

7. Hence they have filed this O.A. to grant the applicants the wage revision with effect from 1-7-1994 as ordered by the Respondent no.1 and paid weekly off with all consequential benefits.

8. The respondents have filed their counter stating that the part-time contingent Labourers who were working for less than eight hours per day are not eligible for weekly paid-off with effect from 1-1-1991. That this decision was taken in view of the Order of this Tribunal in O.A.No.98 of 1991 filed by All India RMS & MMS Employees Union, Mail Guards & Class.IV, A.P.Circle Branch, Hyderabad that the amounts which were erroneously paid towards weekly off came to different amounts to different officials ie., Circle Office in the said letter ordered for recovery of the excess paid amount to these ^{parttime} Labourers. They further submit that an Interim Order made in O.A.No.915 of 1995 dated:31-7-1995 containing instructions were issued to the Senior Postmaster, Khairatabad not to effect any recovery of the excess amounts paid.

9. The respondents have relied upon the Order passed in O.A.No.98 of 1991 on the file of this Tribunal. In that O.A. this Tribunal observed that in view of the Judgment of the Hon'ble Supreme Court in the case of STATE OF A.P. Vs G.SREENIVASA-

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RAO, (reported in 1989 Supreme Court Cases (L&S) 339) it was not just and proper to order recovery in regard to the amounts paid for the period till 31-12-1990, the date on which the DGP clarified that the part-time casual labourers were not entitled to the paid weekly off. Thus the respondents were restrained from recovering the amounts paid towards the paid weekly off till 31-12-1990 including that date and it ^{was} ~~is~~ open to the respondents to recover the amounts paid towards the paid weekly off from the period 1-1-1991 onwards.

10. In this case, the applicants pray not to recover the excess paid amounts from their appointment ~~and from paid for~~ weekly off.

11. In view of the decision in O.A.No.98 of 1991 the applicants who are Part-time Contingent Labourers are not entitled to paid weekly off and any amounts paid earlier to 31-12-1990 cannot be recovered but, however, they are liable to ~~be~~ repay the excess amount paid on and from 1-1-1991.

12. The learned Counsel for the applicants relied upon the decision in O.A.No.2069 OF 1993 and Batch decided on 28-11-1994 by the Ernakulam Bench of this Tribunal. On the basis of which he ^{submits} says there should be no recovery even after 1-1-1991. The Order of the Ernakulam Bench does not indicate whether the Ministry Letter dated: 7-7-1988 is taken note of. It is also not known whether the present case can be related to the Batch cases of the Ernakulam Bench. That is why, we asked the applicant to produce the letters in this connection indicated in the O.A. As the applicant failed to produce, we have to come to the conclusion that the cited case by the applicants may not have any reliance to this O.A. Hence

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this contention is rejected.

13. Hence we issue the following directions:-

"i) As decided in O.A.No.98 of 1991 the applicants can have no paid off holiday;

ii) Any excess amounts paid to the applicants earlier to 31-12-1990 need not be recovered. However any excess amounts paid to them ~~on~~ ^{or} from 1-1-1991 shall be recovered."

14. With the above directions, the O.A. is disposed of. No order as to costs.


30.3.98
(B.S. JAI PARAMESHWAR)

MEMBER(J)


(R. RANGARAJAN)

MEMBER(A)

Dated: this the 30th day of March, 1998

Dictated in the open Court

DSN

OA.915/95

Copy to:-

1. The Director General, Posts, Department of Communications, Dak Sedan, Sansad Marg, New Delhi.
2. The Chief Postmaster General, A.P.Circle, Hyderabad.
3. The Director of Postal Services, Hyderabad City Region, O/o The Postmaster General, Hyderabad.
4. The Senior Superintendent of Post Offices, Hyderabad City Division, Hyderabad.
5. The Senior Postmaster, Khairtabad Head Post Office, Khairtabad, Hyd.
6. One copy to Mr. N.D.Kulkarni, Advocate, CAT., Hyd.
7. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT., Hyd.
8. One copy to Mr.V.Rajeswara Rao, Addl.CGSC., CAT., Hyd.
9. One copy to BSJP (J), CAT., Hyd.
10. One copy to D.R.(A), CAT., Hyd.
11. One duplicate.

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II COURT

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

DATED: 30/3/95

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

D.A. NO. 915/95

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~DISMISSED FOR DEFAULT~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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