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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.1174/95.

Dt^o of Decision : 02-04-98.

1. Smt. Venkatamma
2. Smt. Jayamma
3. Mohd. Sadiq
4. Smt. Sunkulamma
5. Mohd. Jahangir
6. Mirza Jaffer Baig
7. Laxmamma
8. S.Chandrasekhar Reddy
9. Smt. Narasamma
10. Smt. Niranjanamma

.. Applicants.

Vs

1. The Chief Postmaster General,
AP Circle, Hyderabad.
2. The Supdt. of Post Offices,
Mahaboobnagar Division,
Mahaboobnagar.
3. The Supdt. of Post Offices,
Gadwel Divison,
Mahaboobnagar Division.

.. Respondents.

Counsel for the applicants : *Mr. V.S. Sarathy* : Mr.K.Vasudeva Reddy

Counsel for the respondents : Mr.K.Ramulu, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON. SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.))

None for the applicant. None of the applicant was present when this OA was taken up for hearing. Heard Mrs. Shyama for Mr. K. Ramulu, learned counsel for the respondents.

2. There are 16 applicants in this OA. They are all Part-Time Labourers under the respondent organisation and they were working only for 4 hours per day. They were paid weekly off ~~hours~~ earlier. During audit verification authorities noticed that payment of weekly off to part-time labourers was irregular and efforts ~~to~~ be made to recover them. The Director General, Dept. of Post, New Delhi vide his letter No. 45/93/90-SPB.I dated 31-12-90 intimated that part time casual labourers are not entitled for paid weekly off and conveyed the advice of the DoP&T to the effect that paid weekly off can be given only after 6 days continuous work for less than six days or 48 hours does not merit a paid weekly off. On the basis of the objections raised by the Audit authorities and also the letter of the DG, the respondent No. 2 sought to recover the excess payment made to the applicants as per the letter No. PMG(H)/Est/2-5/VI/Rgs.II, dated 22-5-92 (Annexure-I to the OA).

3. The applicants have filed this OA for the following reliefs:-

(i) Declare the action of the respondents in withholding the wages for the Sunday/Holidays to the applicants as illegal, arbitrary;

(ii) declare the action of the respondents in effecting the recovery from the wages of the applicants towards the alleged excess paid wages for Sundays & Holidays, as illegal and arbitrary;

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(iii) declare that the applicants are entitled for the wages for Sundays and Holidays;

(iv) Direct the respondents not to recover any alleged excess wages towards Sundays and holidays from the wages of the applicants and consequently direct the respondents to pay back the amounts already recovered from the applicants in this regard;

4. The respondents have filed the counter stating that since the applicants were only part-time labourers and working less than 6 hours per day were not entitled to ^{id} pay weekly off and in view of the letter of DG Posts dated 31-12-90 they were not entitled paid weekly off; and that similar question was considered by this Tribunal in OA.241/94 decided on 29-03-94, and that OA may be decided on the analogy of the decision in OA.241/94.

5. By the impugned letter of R-2 attempted to recover the payment made to the applicants earlier to 31-12-90. In view of the Director General's letter dated 31-12-90 the applicants cannot claim paid weekly off w.e.f., 1-1-91. Hence R-2 cannot recover the amount paid to the applicants earlier to 31-12-90.

6. In OA.98/91 also similar question came up for consideration and directions were issued not to recover the amount paid to the applicants only upto 31-12-90.

7. Hence, we issue the following directions:-

(i) As decided in OA.98/91 the applicants can have no paid off holidays;

(ii) Any excess amounts paid to the applicants earlier to 31-12-90 need not be recovered. However any excess amounts paid to them from 1-1-91 shall be recovered.

8. With the above directions the OA is disposed of. No order as to costs.

T.B.S.JAI PARAMESHWAR)
MEMBER(JUDL.)

2/4/98 Dated : The 2nd April, 1998.
(Dictated in the Open Court)

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(R. RANGARAJAN)
MEMBER(ADMN.)

D. R. G. S.

DA.1174/95

Copy to:-

1. The Chief Postmaster General, A.P. Circle, Hyderabad.
2. The Supdt. of Post Offices, Mahaboobnagar Division, Mahaboobnagar.
3. The Supdt. of Post Offices, Gadwal Division, Mahaboobnagar.
4. One copy to Mr. K. Vasudeva Reddy, Advocate, CAT., Hyd.
5. One copy to Mr. K. Ramulu, Addl. CGSC., CAT., Hyd.
6. One copy to BSJP M(J), CAT., Hyd.
7. One copy to D.R. (A), CAT., Hyd.
8. One duplicate copy.

SRR

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II COURT

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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: 24/4/98

ORDER/JUDGMENT,

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

in

O.A.NO.

1174/95

ADMITTED, AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

Central Administrative Tribunal
हैदराबाद न्यायपीट
HYDERABAD BENCH

21 APR 1998

Despatch

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विभाग/DEPT SECTION