

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO. 1176 of 1995

DATE OF ORDER: 7.6.96

## BETWEEN:

1. **V.Kotilingam**  
2. **J.Venkateswarlu**  
3. **S.M.Akbar,**  
4. **E.P.A.Anand,**  
5. **R.Sharada Eai**  
6. **B.Swamy** .. Applicants

and

1. The Director General, Posts,  
Department of Communications,  
Dak Sadan, CGO Complex, New Delhi,
2. The Chief Postmaster General,  
A.P.Circle, Hyderabad,
3. The Director of Postal Services,  
Hyderabad City Region,  
Office of the PMG, Hyderabad,
4. The Sr. Superintendent of Post Offices,  
Hyderabad City Division, Hyderabad,
5. The Senior Post Master,  
Khairatabad Head Post Office,  
Khairatabad, Hyderabad.

CCUNSEL FOR THE APPLICANT: SHRI N.SAIDA RAO

COUNSEL FOR THE RESPONDENTS: SHRI K.RAMULU, ADDL.CGSC

### CDRAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

## JUDGEMENT

Heard Shri N.Saida Rao, learned counsel for the applicants and Ms.Shama for shri K.Ramulu, learned standing counsel for the respondents.

2. There are six applicants in this OA who are working as Part-time Casual Labourers under R-4 and R-5. Directions were given by the order No.A2/8/Rlgs. dated 4.2.94 withdrawing the weekly paid holidays to the Part-

time contingent casual labourers. Thus it is alleged that the amount varying from Rs.1984/- to Rs.4806/- has to be ~~calculated~~ calculated from each applicant on the basis of their days they worked under the respondents. This application was filed for quashing the proposed recovery vide order No. AYK/PP d/at Khairatabad, dated 9.9.95 holding it as illegal and arbitrary. The learned counsel for the respondents brought to my notice that this case is covered by the judgement of this Tribunal in OA No.1193/95 decided on 19.2.1996. In that OA, the main contention of the applicants ~~was~~ <sup>were</sup> that the weekly holidays ~~was~~ withdrawn by the Postal Department for the Part-time casual labourers by the order of December 1990 i.e., four years before the actual order issued on 4.2.94. Payment for saturdays and weekly holidays were paid even after the issue of the letter of December 1990. Hence it is not proper for the respondents to recover the excess paid from a date earlier to 4.2.94. It is further contended in that OA that the applicants therein had worked during Saturdays and weekly holidays and on those days they were given jobs like cleaning of office premises etc. and hence they are entitled for payment on those saturdays and weekly holidays as they had constructively worked on those days.

3. The contention raised in this OA is same as the contention raised in the above referred OA. The learned counsel for the applicant in this OA further states that the applicants were paid consolidated amount and hence it may not be possible for them to calculate the wage for



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weekly holidays and saturdays. But in order to obviate this problem, a direction can be given to the respondents to inform the applicants herein in regard to the recovery to be made before actually affecting the recovery. Liberty will also be given to the applicants herein to approach this Tribunal in case they are aggrieved by the notice of recovery. The above will safeguard the interest of the applicants in regard to the third contention raised herein.

4. As the case of the applicants is squarely covered by the order dated 19.2.1996 in OA 1193/95, both sides graciously accepted that similar direction can be given in this case also. In view of the above, the following direction is given:-

It is hereby declared that the applicants are entitled to the wages for such of the weekly holidays on which they actually worked and the respondents are free to recover the amount in regard to the amounts paid for weekly off days on and from 1.1.91 on the days on which they had not worked. In pursuance of this order the Head of the Unit in which respective applicants are working has to verify from records as to whether the concerned applicant worked on any of the weekly off days and inform the concerned applicant about the same before recovery, if any, in pursuance of this order is effected. If any of the applicants is aggrieved with the order to be passed by the Head of the Unit in pursuance of this order, he is free to move this Tribunal by way of M.A. in this OA.

A

Copy to:-

1. The Director General, Posts, Department of Communications, Dak Sadan, CGO Complex, New Delhi.
2. The Chief Postmaster General, A.P.Circle, Hyderabad.
3. The Director of Postal Services, Hyderabad City Region, G/O P.M.G. Hyderabad.
4. The Sr. Superintendent of Post Offices, Hyderabad City Division, Hyderabad.
5. The Senior Post Master, Khairatabad Head Post Office, Khairatabad, Hyderabad.
6. One copy to Sri. N.Saida Rao, advocate, CAT, Hyd.
7. One copy to Sri. K.Ramlu, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

RSM/-

24/6/95 07-1176/95

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED:

7/6/95

ORDER/JUDGEMENT

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

IN

R.A.NO.

1176/95

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS T.O COSTS

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No Spare Copy

केन्द्रीय प्रशासनिक अधिकार  
Central Administrative Tribunal  
DRAFT/DESPATCH

18 JUN 1995 NRP

HYDERABAD BENCH