

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

D.A.No.1083 OF 1996.

DATE OF ORDER:23-11-1998.

Between:

M.Subbamma.

.. Applicant

a n d

1. The Telecom District Manager,  
Anantapur.
2. The Chief General Manager,  
Telecom, A.P.Circle,Hyderabad.
3. The Junior Telecom Officer  
(Electrical),Anantapur.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.K.Venkateswara Rao

COUNSEL FOR THE RESPONDENTS :: Mr.V.Vinod Kumar

CORAM:

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

A N D

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

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A) )

None for the Applicant and Mr.V.Vinod Kumar,  
learned Standing Counsel for the Respondents.

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2. The applicant in this DA was engaged by the respondents Organisation for attending to sweeping work etc., in R.C.Nagar Telecom Staff Quarters from August, 1992. The applicant alleges that she is discharging her duties for 8 hours a day to the satisfaction of her employer but she is being paid a consolidated amount of Rs.900/- on contract basis though <sup>has to be</sup> she ~~is~~ paid ~~for~~ <sup>pay scale</sup> 1/30th of the minimum of the Group-'D' official including D.A. thereon for work of 8 hours a day. It appears that she had represented her case and that representation was pending at the time of admission of the DA. No reply was given to her representation.

3. This DA is filed praying for a declaration that the applicant is entitled to be paid at the rate of 1/30th of Rs.750 Plus D.A. as admissible thereon (minimum of the group-'D' scale) on par with regular employees by holding the action of the respondents in paying a consolidated amount of Rs.900/- per month on contract basis while working for about 8 hours a day is illegal, arbitrary and discriminatory.

4. At the time of admission an Order was passed dated:11-9-1996. The liberty was given to the T.D.M., Anantapur to dispose of her representation dated: 5-12-1995 on merits within a period One month from the date of additional representation filed by the applicant which she is permitted to file within a period of One month from 11-9-1996. It was further added in that Order that TDM shall take into consideration the representation dated:5-12-1995 as well as the additional

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representation when filed within the stipulated period as above. Liberty was also given to the applicant to seek amendment to challenge the decision of the TDM in the event of she being aggrieved <sup>of</sup> with the same. It is also ordered that in the event of the representation being rejected and the OA is required to proceed, the respondents shall file their reply within eight weeks from the date of the decision of the TDM is communicated to the applicant.

5. A reply has been filed in this OA. Even today the learned Counsel for the Respondents is not aware whether the representation of the applicant was disposed of or not. The applicant also has not filed any Rejoinder to the reply. Hence, it is to be held that no reply was given to her representation and the OA has to be disposed of on merits <sup>on basis of</sup> ~~as the records available~~ placed before us.

6. A reply has been filed in this OA. In the reply it is stated that the applicant was engaged to work only for two hours per day as the engagement of part-time labour in DOT <sup>was</sup> ~~is~~ banned. The applicant was engaged on contract basis with a consolidated amount of Rs.900/- per month for the work to be done by her.

7. The applicant has not made out any details to show that she worked for 8 hours a day. Mere statement that she worked for 8 hours a day is not sufficient to come to the conclusion that she worked 8 hours. When she has been paid a consolidated amount of Rs.900/- per month, she should have objected to at that time itself when she was engaged in August, 1992. But it appears that

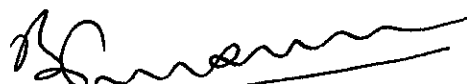
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she kept quiet and filed this OA only on 28-8-1996, that is, four years after her engagement. Hence, at this juncture it is not appropriate to examine whether the applicant's contention is to be accepted. No Rejoinder has also been filed to the reply. Considering the above, the OA appears to have no merits.

8. The respondents also have not stated the facts vividly and they have also not taken any action <sup>as per</sup> ~~on~~ the Office Order dated:11-9-1996. That will not give any right to the applicant to give her the scale of pay as demanded by her.

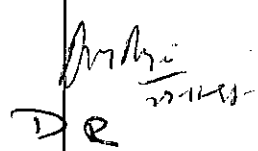
9. In the facts and circumstances of the case, we are left with no other alternative except to dismiss the OA. However, the respondents should reply her representation dated:5-12-1995 alongwith the additional representation, if any, received within a period of One month from the date of receipt of a copy of this Judgment if her representations are not disposed of already. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL)  
23.11.98

  
(R. RANGARAJAN)  
MEMBER (ADMN)

Dated: this the 23rd day of November, 1998  
Dictated to sten in the Open Court

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DSN

  
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Copy to:

1. The Telecom District Manager, Ananthapur.
2. The Chief General Manager, Telecom,  
A.P.Circle, Hyderabad.
3. The Junior Telecom Officer, (Electrical),  
Ananthapur.
4. One copy to Mr.K.Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Vinod Kumar, Addl.CGSC, AT, Hyderabad.
6. One copy to D.R(A), CAT, Hyderabad.
7. One duplicate copy.

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7/12/98

II COURT

TYPED BY  
CORRECTED BY

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 S.S. JAI PARAMESHWAR :  
M(J)

DATED: 23/11/98

ORDER/JUDGMENT

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

in  
O.A.NO. 1083/96

~~ADMITTED AND INTERIM DIRECTIONS  
ISSUED~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

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