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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1753/97

DATE OF ORDER : 24.06.1999.

Between :-

- 1.V.Chaksadhar kumar
2. A.Amarnatha Rao

... Applicants

And

1. Junior Telecom Officer, Telegraph Office,
Chittoor - 517 001.
2. Superintendent, Telegraph Office,
Tirupathi - 517 501.
3. The Divisional Engineer, SBP,
% Telecom District Manager,
Tirupathi SSA, Tirupathi - 517 501.
4. The Chief General Manager, Telecom
Sanchar Bhavan, Nampally, Hyderabad.
5. Union of India rep. by Director General,
Telecom, Ashok Road, Sanchar Bhavan,
New Delhi - 1.

... Respondents

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Counsel for the Applicants : Shri Krishna Devan

Counsel for the Respondents : Shri V.Rajeshwara Rao, CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

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... 2.

(Order per Hon'ble Justice Shri D.H.Nasir, Vice-Chairman).

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Heard the learned counsel Sri Krishna Devan for the applicant and Sri V.Rajeshwar Rao, Standing Counsel for the Respondents.

2. The Respondents are sought to be directed to pay wages to the applicants on pro-rata basis in the minimum scale applicable to the Group-D in Telecom from June, 1996 by holding that the inaction of the respondents on the representation preferred against the impugned order dated 1.1.1996 passed by the Divisional Engineer, SB, Office of TDM, Tirupathi as without jurisdiction, arbitrary, discriminatory, illegal and violative of Article 14 and 21 of Constitution of India. A further direction is sought to be given to the Respondents to pay the wages on pro-rata basis in the minimum scale of pay applicable to Group-IV in the Telecom Wing along with Dearness Allowance, Interim Relief admissible as on today to regular Group-IV employees.

3. The learned standing counsel Sri V.Rajeshwar Rao draws my attention to letter dated 15.9.1998, the copy of which is produced along with the reply statement in which it is stated that in view of the guidelines laid down by the Department of Personnel & Training issued in compliance of Apex Court Judgement with regard to the wages of casual labourers, it has now been decided that all casual labourers work^{ing} in the Department may be paid wages at the rate of 1/30th of pay at the minimum of the relevant pay scale plus Dearness Allowance

for work of 8 hours (emphasis supplied) with effect from 1.1.1996.

4. This question had fallen for consideration of this Bench in OA 1685/98 & batch decided on 29-4-1999 in which this Bench took a view that not only the fact that Casual Mazdoors are entitled to be given wages at the rate of 1/30th of wages paid to the regular Group-D employees in accordance with the recommendations of the V Pay Commission with effect from 1.1.1996 but even part time employees are entitled to be given this benefit. In para-12 of the aforesaid judgement dt.29.4.1999 it is observed as under :-

12. Meaning of the term "Casual Labourers" has been clarified in the DOP letter No.45/95/87-SPD-I dt.10.2.1988 (Annexure-III at page 13 of the OA 1685/98) in which it is stated as under :

"(ii) The work "Casual Labourers" would cover full-time casual labour, part-time casual labour and workers engaged on contingency basis. Part-time workers, casual or contingency paid, will be paid on pro-rata basis. For the purpose of payment, no distinction should be made whether the casual labourers and contingency paid staff are being paid wages or from office contingencies.

(iii) The arrears at the enhanced rate are to be paid before 25.2.98 positively."


5. The above observations make it clear that even part-time workers are entitled to be given the same benefit. The letter dated 15.9.1998 communicated vide No.TA/EST/1-1/V CPC/97/IV dated 28.9.1998 to which the learned standing counsel for the respondents draw my attention during the course of his submissions is also discussed in the body of this judgement dated 29.4.1999 which is re-produced below :-

"14. The letter dated 28.9.1998 (Annexure-III A at page 14 of the DA 1685/98) paves the way for payment of the revised wages with effect from 1.1.1996. The relevant extract of the said letter issued by the CGMT, A.P.Hyderabad is reproduced below :

"In view of the guidelines laid down by the Department of Personnel & Training vide letter No.49014/2/86-Estt(C) Dt.7.6.88 issued in compliance of the Apex Court judgment regarding wages of Casual Labourers it has now been decided that all the Casual Labourers working in the Dept. may be paid wages at the rate of 1/30th of pay at the minimum of the relevant pay scale plus Dearness Allowance for work of 8 hours with effect from 1.1.96."

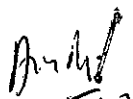
It is not brought to our attention whether any proceedings have been taken against this judgement by way of judicial review or appeal and therefore the said order dated 29.4.1999 has achieved finality and therefore no Departure could be made from the views expressed and directions given in the said judgement.

6. Considering the facts and circumstances as stated above I believe that the relief prayed for by the applicants for payment of pro-rata wages at 1/30th of the wages paid to the Casual Mazdoors cannot be denied to the applicants with effect from 1.1.1996. Hence the O.A. is allowed. The Respondents shall pay arrears which fall due in accordance with the directions given in this DA within 2 months from the date of receipt of a copy of this order. No order as to costs.


(D.H.NASIR)
Vice-Chairman

Dated: 24th June, 1999.
Dictated in open court.

avl/


16.7.99

1st AND 11th COURT.

COPY TO:-

1. HDHND ✓
2. HHRM(A) ✓
3. HSDM(J) ✓
4. D.R. (A) ✓
5. SPARE ✓

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CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL 207/99
HYDERABAD BENCH, HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD
MEMBER (ADMN)

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN)

THE HON'BLE MR. D.S. JAI PARAMESHWAR
MEMBER (JUDL)

ORDER. Date. 24-06-99

ORDER / JUDGMENT

MA./RA./CP.NO

IN

DA.NO. 1753/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

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