

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.NO. 1628/97

Date of Order : 8.3.99

BETWEEN :

- |                           |                      |
|---------------------------|----------------------|
| 1. B.Sri Ramamurthy Naidu | 7. Ch.Thrinadha Rao  |
| 2. B.S.V.Srinivasa Rao    | 8. S.V.S.Nagaraju    |
| 3. Chandran Behra         | 9. B.Surya Rao       |
| 4. J.Venkata Rao          | 10. G.Rama Rao       |
| 5. V.Nagasatya Rao        | 11. K.Ramana Rao     |
| 6. T.Venkata Rao          | 12. N.Krishna Murthy |

.. Applicants.

AND

1. The Chief General Manager,  
Telecommunications, A.P.Circle,  
Doorsanchar Bhavan, Hyderabad.
2. The General Manager, Telecommunications,  
Visakhapatnam Area, Visakhapatnam.
3. The Telecom District Engineer,  
Srikakulam.
4. The Superintendent-in-Charge,  
Central Telegraph Office,  
Srikakulam.

.. Respondents.

- - -

Counsel for the Applicants

.. J.V.Lakshmana Rao

Counsel for the Respondents

.. Mr.B.N.Sharma

- - -

CORAM :

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

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

- - -

O R D E R

X As per Hon'ble Shri B.S.Jai Parameswar, Member (Judl.) X

- - -

Mr.Yogender Singh for Mr.J.V.Lakshmana Rao, learned  
counsel for the applicant and Mr.N.C.Jacob for Mr.B.N.Sharma,  
learned standing counsel for the respondents.

.. 2 ..

2. There are 12 applicants in this OA. They are all working as part-time Telegraphmen in the respondent department. Relying upon the order of this Tribunal in O.A.412/95 and O.A.806/96 they seek direction in this OA to the respondents to pay them wages at 1/30th of pay of prescribed scale of pay of Rs.750/- p.m. with dearness allowance from the date of their appointment in service.

3. The respondents have filed their counter stating that the applicants have been neither engaged as a casual employee or as a part-time casual labour. But from a reading of the reply it appears that the respondents consider them as contract labour but the reply does not give anywhere the proof of ~~for~~ stating that they are employed as contract labour. Hence it has to be presumed that they were engaged as part-time casual labour only for delivering messages as and when required.

4. The respondents submit that they have been paid wages Rs.3.60 ps. per day. It is not necessary for us to clarify the wages to be paid to them. The department is competent to fix the wage in accordance with the law. It is stated that the applicants were engaged some time in 1992-93 as can be seen from the page-3 of the OA. They have filed this OA only on 27.10.97 which was admitted on 19.1.98. Hence if the OA is disposed of in their favour their wages as 1/30th of the minimum wage of a regular Group-D employee along with DA

R

.. 3 ..


can only be given to them, W.E.f. 19.1.98.

5. From the material available on record and especially the reply there is no case to treat them as contract labourers. They were engaged as part-time casual labour for delivering the messages as and when required. Hence they are entitled for the relief asked for in the OA.

6. In the result, the following direction is given :-

The applicants are entitled for 1/30th minimum scale of pay of a Group-D employee per day with the dearness allowance. They are entitled for the pro-rata amount for <sup>the period they</sup> ~~their~~ discharging <sup>ed</sup> duty as casual labour per day. They are entitled for arrears from 19.1.98 on that basis.

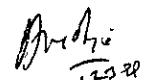
7. The OA is disposed of. No costs.

  
( B.S. JAI PARAMESWARAR )  
Member (Judl.)

  
( R. RANGARAJAN )  
Member (Admn.)

8/3/99

Dated : 8th March, 1999  
( Dictated in Open Court )

  
12.5.99.

sd