

83

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.319/99

DATE OF ORDER : 6.7.1999.

Between :-

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|----------------------|---|
| 1. A.V.B.Subba Rao | 21.K.Lakshmi |
| 2. P.V.Ramana | 22.A.Adilakshmi |
| 3. M.E.Ravi Kumar | 23.V.Srinivas |
| 4. K.Satyanarayana | 24.Y.Suryakantam |
| 5. I.Krishna | 25.P.Nagamanam |
| 6. P.R.Krishna | 26.B.Appayamma |
| 7. Ch.Srinivas | 27.P.Sarojini |
| 8. A.Ganga Ratnam | 28.K.Vasudevarao |
| 9. B.Suryakantam | 29.K.Pallamma |
| 10.K.Simhachalam | 30.A.Ramanamma |
| 11.T.V.Ramanamma | 31.I.Venkanna |
| 12.K.Pentamma | 32.K.Narayana |
| 13.S.Veeramma | 33.B.Kumari |
| 14.P.S.R.Swamy | 34.G.Maremma |
| 15.B.Akkamma | 35.M.Satyavati |
| 16.K.Venkayamma | 36.R.Venamma |
| 17.S.Adilakshmi | 37.G.Appayamma |
| 18.N.Narayanamma | 38.Y.Simhachalam |
| 19.T.Nageswara Rao | 39.The Postal Part-Time employees
Union, Rajahmundry Divn. Rajahmundry,
rep. by its Secretary, AVB Subba Rao,
Electrician, O/O the Superintendent of
post Offices, Rajahmundry. |
| 20.D.Jagajeevana Rao | |

... Applicants

And

1. The Union of India rep. by the
Director General, Dept. of Posts,
Dak Bhavan, New Delhi-110 001.
2. The Chief Postmaster-General,
AP Circle, Hyderabad-1.
3. The Superintendent of Post Offices,
Rajahmundry Division, Rajahmundry-533 101.
4. The Postmaster, Rajahmundry H.O.
5. The Postmaster, Mandapeta H.O.
6. The Postmaster, Ramachandrapuram E.G., H.O.

... Respondents

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Counsel for the Applicants : Shri TVVS Murthy

Counsel for the Respondents : Shri B.Narasimha Sarma, Sr.CGSC

CORAM:

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

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Heard Sri TVVS Murthy, learned counsel for the applicants and ^{Sri} Jacob on behalf of Sri Sarma, learned Senior Standing Counsel for the Respondents.

2. There are 39 applicants in this O.A. They submit that they have been working as Part-time casual workers in various post offices ^{in Rajahmundry Divn.} (as per the details in Annexure-I pages 37 to 41 of the OA).

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

(i) to call for the relevant records relating to the impugned OM No.1-3/97-PAP dt.3.11.98 of the DG Posts (R-1);

(ii) to declare that the applicants are entitled to receive their wages with reference to the minimum of the revised pay scale i.e., Rs.2,550/- as applicable to regular Group 'D' employees with effect from 1.1.96 onwards on pro-rata basis in terms of the DG Posts (R-1) letter No.45/95/87-SPB-I dt.10.2.88 (Annexure A-I) in pursuance to the decision of the Supreme Court in Daily Rated Casual Labour under the P & T Department Vs. U.O.I. & others, (1989) 5 ATC 228;

(iii) to consequently set aside the impugned orders.

a) OM No.1-3/97-PAP, dt.3.11.98 (Annexure A-V) of the CG Posts (R-1) stating that the order relating to enhanced revision of wages comes into effect only from 3.11.1998 instead of from 1.1.96;

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b) Consequential letter No. EST/1-60/PCC/98/Corn, dt. 26.11.98 (Annexure A VI) of the CPMG, Hyderabad (R-2) and

c) consequential memo No. A-10/CM/VII dt. 23.12.98 and 15.2.99 (Annexure A. VII and A-XII) of the Superintendent of post Offices, Rajahmundry (R-3) directing recovery of the alleged excess payments made in wages for the period from 1.11.97 to 2.11.98 as arbitrary, unjust, illegal, discriminatory and in violation of Arts. 14 & 16 of the constitution of India, opposed to principles of natural justice, and well settled law in such cases; and

iv) and to consequently direct the Respondents to enhance the wages of the applicants and other part-time casual Mazdoors similarly situated with reference to the minimum of the revised scale of Group 'D' employees with effect from 1.1.96 onwards and pay the arrears due in this regard upto 31.10.1997 and to refund the amounts already recovered from them in pursuance to the impugned orders dt. 26.11.98 and 23.12.98 (Annexures A-VI and A-VII) of R-2 and R-3 respectively and to pay them wages for weekly offs/Sundays and Holidays also.

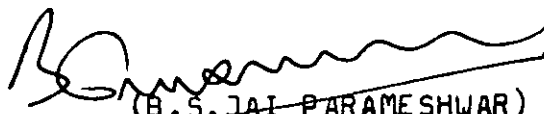
4. At the time of hearing the learned counsel for the applicants produced order dated 29.4.99 passed by this Tribunal in OA 1685/98 and batch and submitted that the reliefs claimed in this OA are fully covered by the order dt. 29.4.99. The learned Standing Counsel for the Respondents also submitted that the present OA is covered by the order dt. 29.4.99. Hence the directions issued in OA 1685/98 are fully applicable ^{to} this OA. Hence the following directions are ^{given} ~~passed~~ in this OA :-

(a) The Office Memorandum No. 1-3/97-PAP dated 3.11.1998 determining the date of applicability to be 3.11.1998 as well as another Office letter No. EST/1-60/PCC/97-98/Corr dt. 26.11.98 directing recoveries to be made from the wages of the present applicants are hereby quashed.

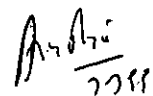
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(b) The respondents are directed to give the applicants the minimum of the pay scale corresponding to regular Group 'D' employees in the revised pay scale on pro-rate basis with effect from 1.1.1996.

5. No order as to costs.


(B.S. JAI PARAMESHWAR)
Member (J)
6.7.99

Dated: 6th July, 1999.
Dictated in Open Court.


22/8/99.

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A
27/7/99
1st AND IInd COURT.

COPY TO:-

1. HDHND

2. HHRP M(A)

3. HBSJP M(J)

4. D.A. (A)

5. SPARE

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH, HYDERABAD.

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

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

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

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

ORDER: Date. 6/7/99

~~ORDER~~ / JUDGMENT

MA. / RA. / CP. NO

IN

MA. NO.

319/99

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.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

22 JUL 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH