

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

CA No. 1232/99
~~BA. 82 1192/99~~

Date of Order: 13-8-99

Between:

1. G. Kalavathi
2. Lakshmi

...Applicants

And

1. The Union of India, rep.^d by
the Director General,
Department of Posts (D.G.(P),
New Delhi - 110 001;
2. The Chief Postmaster-General,
A.P. Circle,
Hyderabad.

...Respondents

Counsel for the Applicants : Mr. T.V.V.S. Murthy, Advocate

Counsel for the Respondents : Mrs. D. Madhavi, Rani, Addl. CGSC

CORAM:

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

...

ORDER

Heard the learned counsel Mr. T.V.V.S. Murthy for the applicant and the learned standing counsel Mrs. D. Madhavi Rani for the Respondents.

2. The respondents are sought to be directed to grant the minimum of the revised pay scale i.e. Rs. 2,550/- as applicable to the regular Group 'D' employees w.e.f. 1.1.96 on pro-rata basis in pursuance to the decision of Hon'ble Supreme Court in WP.No. 373/1986 in the case of Daily Rated Casual Labour under P&T Department through Bharatiya Dak Tar Mazdoor Manch Vs. U.O.I. & Others (1989 (5) ATC 228).

The impugned order is also sought to be set aside by

..contd..2

directing the respondents to examine the case of the applicants in terms of the Director-General, Dept. of Posts (D.G.(P) for short)(R-1) letter No.45/95/87-SPB-I, dt.10.2.1988 which reveals that the part-time casual labourers including contingency paid staff will be paid wages as may be worked out on prorata basis correlated to the minimum of the pay scale of regularly employed workers in the corresponding cadre but without any increment w.e.f. 05.02.1986 and that they will also be entitled to DA & ADA. Further, according to the applicants, the payment of wages to the applicants was regulated by the decision of the Supreme Court and by the above order of the D.G.(P) since 1986. Further, according to the applicants, consequent upon the revision of the pay scales as per the V Central Pay Commission recommendations, the Department of Telecommunications by its letter dt.15.9.1998 decided that the wages of part-time casual labourers in the Telecom Department be revised based on the revised minimum pay of Rs.2,550/- for Group 'D' employees.

3. In OA.451/99 decided on 6.7.99, the Bench of this Tribunal was confronted with a similar situation and the said OA was disposed of by giving the following directions:-

- (a) The office memorandum No.1-3/97-PAP dated 3.11.1988 determining the date of applicability to be 3.11.1998 as well as another office letter No. EST/1-60/PCC/97-99/Corr dated 26.11.1998 directing recoveries to be made from the wages of the present applicants are hereby quashed.
- (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 1.1.96.

4. The question^{and fact} of law involved in the present case being substantially the same as in the earlier OA.451/99, it is

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.3.

necessary in the interests of justice to dispose of the present OA with the same direction. Hence the present OA is disposed of with the following directions:-

- (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/97-99/Corr, dt.26.11.1998 directing recoveries to be made from the wages of the present applicants are hereby quashed.
- (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 1.1.96.

O.A. disposed of. No costs.

Dain
(JUSTICE D.H.NASIR)
Vice-Chairman

'SA'

Dated: 13th August, 1999
(Order dictated in the open court)

for
2/8/99

COPY TO:-

1. HDHND ✓
2. HRRN M (A)
3. HBSJP M (J)
4. D.R. (A) ✓
5. SPARE ✓
6. ADVOCATE ✓
7. STANDING COUNSEL

1st AND 2nd COURT

TYPED BY
COMPARED 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. R. RANGARAJAN:

MEMBER (ADMN)

THE HON'BLE MR. B.S. JAI PARAMESHWAR

MEMBER (JUDL)

ORDER DATE: 13/8/99

MA/RA/CR NO

IN

DA. NO. 1232/99

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
घोषण / DESPATCH

31 AUG 1999

हैदराबाद न्यायपीठ
HYDERABAD BENCH