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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.451/99

DATE OF ORDER : 6.7.1999

Between :-

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|--------------------------|-------------------------|
| 1. S.Yedukondalu | 9. G.Venkayamma |
| 2. Yalagala Vaidehi | 10. Sk.Imam Sahab |
| 3. Bandi Lakshmi | 11.Dudekula Imambi |
| 4. Mogili Nagamalleswari | 12.K.Koteswaramma |
| 5. Kuppagiri Seethamma | 13.P.Saidamma |
| 6. Sk.Hamanbi | 14.G.Balamma |
| 7. K.Chinnammay? | 15.Medara Mariamma |
| 8. M.Mariamamma | 16.Balusupati Eswaramma |

... Applicants

And

1. The Union of India rep. by the
Director General, Dept. of Posts,
New Delhi-110 001.
2. The Chief Postmaster General, AP Circle,
Hyd-1.
3. The Superintendent of Post Offices,
Narasaraopeta Division, Narasaraopeta.
4. The Postmaster, Narasaraopeta H.O.
5. The Postmaster, Chilakaluripeta H.O.

... Respondents

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Counsel for the Applicants : Shri T.V.V.S.Murthy

Counsel for the Respondents : Shri V.Vinod Kumar, CGSC

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

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Heard Sri TVVS Murthy, learned counsel for the applicant and Sri V.V_inod Kumar, learned Standing counsel for the Respondents.

2. There are 16 applicants in this O.A. They have been working as part-time casual mazdoors in various post Offices in Narasaraopeta Postal Division (as per the details shown in page-27 to the O.A.).

3. They have filed this O.A. for the following reliefs :-

(i) to call for the relevant records relating to the impugned O.M.No.1-3/97/PAP, dated 3.11.1998 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-SPI, dated 10.2.1988 (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 viz.,

(a) O.M.No.1-3/97-PAP, dated 3-11-1998 (Annexure A-IV of the DG Posts (R-1) which states that the order relating to enhanced revision of wages comes into effect only from 3.11.1998 instead of from 1.1.1996;

(b) Consequential Ir.No.EST/1-60/PCC/98/Corr, dt.26.11.1998 (Annexure A-V) of the CPMG, Hyderabad (R-2) and

(c) Memo No.A/Genl/7, dt.11.2.99 (Annexure A-VI) of the Superintendent of Post Offices, Narasaraopeta (R-3) directing recovery of the alleged excess payment made in wages for the period from 1.11.97 to 2.11.98 as arbitrary, unjust, illegal, discrimi-

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natory 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 31.10.97 and to refund the amounts already recovered from them in pursuance to the impugned orders dt.26.11.1998 and 11.2.1999 (Annexures A-V and A-VI) of R-2 and R-3 respectively and to pay wages for weekly off days/Sundays and Holidays.

4. At the time of hearing, the learned counsel for the applicants produced the order dated 29.4.1999 passed by this Tribunal in OA 1685/98 & Batch and submitted that the present OA is fully covered by the said order and that the directions as given in the said OA may be given in this OA also. Hence the following directions are issued :-

(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 dated 26.11.1998 directing recoveries to be made from the wages of the present applicants are hereby quashed.

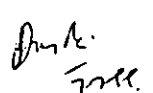
(b) The respondents are directed to give the applicants the minimum of the pay scale corresponding to regular Group 'D' employees in the revised pay scale on pro-rata basis with effect from 1.1.1996.

5. No order as to costs.


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

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

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COPY TO:

1. HDHJ

2. HRP M(A)

3. HSDP M(J)

4. D.R.(A)

5. SPARE

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. H. RAJENDRA PRASAD :
MEMBER (A)

THE HON'BLE MR. R. RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J)

ORDER: 6-7-99

ORDER / JUDGEMENT

MA./RA./CP No.

in

GA. No. 451/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

O.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED / REJECTED.

NO ORDER AS TO COSTS

SRR

