CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 06.09.2013

OA No. 221/2012

Mr. Vinod Singhal, counsel for applicant.
Mr. R.B. Mathur, counsel for respondents.

Heard learned counsel for the parties.

Learned counsel for the respondents submitted that he does not wish to file any reply to the Original Application as the similar controversy has already been settled by this Tribunal, as stated by the learned counsel for the applicant, and the present Original Application may be decided in view of the ratio decided by this Tribunal in the similar matters.

The Original Application is disposed of by a separate order on the separate sheets for the reasons recorded therein.

Anil Kumar

(ANIL KUMAR)
ADMINISTRATIVE MEMBER

Kumawat

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORIGINAL APPLICATION NO. 20/2012
&
ORIGINAL APPLICATION NO. 221/2012

DATE OF ORDER: 06.09.2013

CORAM

HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER

(1) ORIGINAL APPLICATION NO. 20/2012

1. Bhagwan Singh S/o Shri Sohan Lal, aged about 37 years, R/o Village and Post Noh Bachamadi, Tehsil and District Bharatpur. Presently working on the post of Class-IV/Gr.D, in the Income Tax Office at Bharatpur.
2. Anil Kumar S/o Shri Bhagwat Singh, aged about 30 years, R/o Kherapati Mohalla, Behind Goyal Bhawan, Bharatpur. Presently working on the post of Computer Operator in the Income Tax Office at Bharatpur.
3. Parivartan Singh S/o Shri Omveer Singh, aged about 33 years, R/o Behind Picture Place, Kumher Gate, Bharatpur. Presently working on the post of Computer Operator in the Income Tax Office at Bharatpur.
4. Veerpal Singh S/o Shri Jormal Singh, aged about 29 years, R/o Village and Post Sarsena, Tehsil Weir, District Bharatpur. Presently working on the post of Class-IV/Gr. D, in the Income Tax Office at Bharatpur.
5. Rajkumar S/o Shri Sukhpal Singh, aged about 33 years, R/o Village and Post Hatheni, Tehsil and District Bharatpur. Presently working on the post of Computer Operator in the Income Tax Office at Bharatpur.
6. Deepak Sharma S/o Shri Prem Chand Sharma, aged about 37 years, R/o A-1, 75, Jawahar Nagar, Bharatpur. Presently working on the post of Computer Operator in the Income Tax Office at Bharatpur.

...Applicants

Mr. Vinod Singhal, counsel for applicants.

VERSUS

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Income Tax Officer, Moti Doongri, Alwar (Rajasthan).

...Respondents

Mr. R.B. Mathur, counsel for respondents.

(2) ORIGINAL APPLICATION NO. 221/2012

Lakhan Singh S/o Shri Dilip Singh, aged about 23 years, R/o Surajpole Gate, Harizan Basti, Bharatpur. Presently working on the post of Class-IV in the Income Tax Office at Bharatpur.

...Applicant

Mr. Vinod Singhal, counsel for applicant.

VERSUS

1. Union of India through Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, NCR Building, Statue Circle, Jaipur.
3. Income Tax Officer, Moti Doongri, Alwar (Rajasthan).

...Respondents

Mr. R.B. Mathur, counsel for respondents.

ORDER (ORAL)

Since the Original Application No. 20/2012 & Original Application No. 221/2012 have similar facts and involve the same point of law, therefore, both the Original Applications are being decided by this common order. For the sake of convenience, the facts of Original Application No. 20/2012 are being taken as a leading case.

2. Learned counsel for the applicants submitted that he is limiting his prayer to para 8 (ii), which is quoted as under: -

> "8(ii). By a suitable writ/order or the directions, the order dated 31.5.2011 may kindly be quashed and set aside and the daily wages rates which were being paid to the applicants upto 31.5.2011 i.e. Rs. 292/- per day may kindly be protected.

3. The brief facts of the case, as stated by the learned counsel for the applicants, are that all the applicants are working as daily wages employees for the last many years, continuously,

in the office of the respondents. Their remunerations were increased from time to time and upto 31.05.2011 they are being paid Rs. 292 per day.

4. Learned counsel for the applicants further submitted that the respondents issued an order dated 31.05.2011 (Annexure A/7) and decided to lower down the wages of the applicants from Rs. 292/- per day to Rs. 164/- per day. He also submitted that the applicants may be allowed to get Rs. 292/- per day as daily wages.

5. Learned counsel for the applicants submitted that similar controversy has already been settled by the Central Administrative Tribunal, Jodhpur Bench vide its order dated 14.08.2012 in OA No. 531/2011 and other connected matters (Abdul Kadar & Ors. vs. Union of India & Ors.) and also by this Bench of the Tribunal vide its order dated 17.10.2012 in OA No. 547/2011 and other connected matters (Manoj Kumar & Ors. vs. Union of India & Ors.) and further vide its order dated 24.07.2013 in OA No. 850/2012 and another connected matter (Pawan Kumar Rawal & Ors. vs. Union of India & Ors.). Therefore, he argued that in view of the orders of Central Administrative Tribunal, Jodhpur Bench and also in view of the orders of this Bench of the Tribunal, the present Original Applications be allowed and the respondents be directed to pay Rs. 292/- per day as daily wages to the applicants instead of Rs. 164/- per day along with the arrears of lesser payment paid by the respondents.

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6. Learned counsel for the respondents submitted that he does not wish to file any reply to the Original Application as the similar controversy has already been settled by this Tribunal, as stated by the learned counsel for the applicants, and the present Original Applications may be decided in view of the ratio decided by this Tribunal in the similar matters (supra).

7. Heard the learned counsel for the parties, perused the documents available on record and the case law referred to by the learned counsel for the applicants.

8. It was admitted by the learned counsel for the respondents that the controversy involved in the present Original Applications is similar to the controversy, which was before the Central Administrative Tribunal, Jodhpur Bench and also before this Bench of the Tribunal.

9. The Central Administrative Tribunal, Jodhpur Bench vide order dated 14.08.2012 in OA No. 531/2011 and other connected matters (Abdul Kadar & Ors. vs. Union of India & Ors.) has quashed the impugned order dated 31.05.2011 (Annex. A/7).

10. The relevant para 7 of order dated 17.10.2012 passed by this Bench of the Tribunal in OA No. 547/2011 and other connected matters - Manoj Kumar & Ors. vs. Union of India & Ors. (supra), is quoted below: -

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> "7. Having considered the rival submissions of the respective parties and upon careful perusal of the material available on record and the relief claimed by the applicants, so far as the relief claimed by the applicants to quash and set-aside the impugned order dated 31.5.2011 is concerned, the judgment rendered by the CAT-Jodhpur Bench is fully applicable as the Division Bench of the CAT-Jodhpur Bench has already quashed and set-aside the impugned order dated 31.5.2011. Therefore, having considered the order dated 14.8.2012 of the CAT-Jodhpur Bench, so far as the impugned order dated 31.5.2011 is concerned, the same is quashed and set-aside and respondents are directed to continue making payment to the applicant @ 292/- per day instead of Rs. 164/- per day from the date when lesser payment of Rs. 164/- per day is paid to the applicants. The applicants are also entitled to arrears of lesser payment paid by the respondents.

11. Further, the relevant para 12 of order dated 24.07.2013 passed by this Bench of the Tribunal in OA No. 850/2012 and another connected matter - Pawan Kumar Rawal & Ors. vs. Union of India & Ors. (supra), is quoted below: -

> "12. Since it is not disputed between the parties that in both the present Original Application Nos. 850/2012 & 851/2012 similar controversy is involved, and the applicants have prayed that the order dated 31.05.2011 (Annex. A/1) be quashed and set aside and they may be allowed the payment of Rs. 292/- per day, therefore, in view of the order dated 14.08.2012 passed by Central Administrative Tribunal, Jodhpur Bench and also in view of the order dated 17.10.2012 passed by this Bench of the Tribunal in OA No. 547/2011 and other connected matters - Manoj Kumar & Ors. vs. Union of India & Ors. – (supra), the impugned order dated 31.05.2011 (Annexure A/1) passed by the respondents is quashed and set aside and the respondents are directed to continue making payment to the applicants @ Rs. 292/- per day instead of Rs. 164/- per day from the date when lesser payment of Rs. 164/- per day is paid to the applicants. The applicants are also entitled to arrears of lesser payment paid by the respondents."

12. From the perusal of the above, it is clear that this Bench of the Tribunal vide order dated 17.10.2012 in OA No. 547/2011 and other connected matters - Manoj Kumar & Ors. vs. Union of India & Ors. (supra) and vide order dated 24.07.2013 in OA No.

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850/2012 and another connected matter - Pawan Kumar Rawal & Ors. vs. Union of India & Ors. (supra), after considering the order of Central Administrative Tribunal, Jodhpur Bench dated 14.08.2012 in OA No. 531/2011 and other connected matters - Abdul Kadar & Ors. vs. Union of India & Ors.(supra), has also quashed and set aside the impugned order dated 31.05.2011 and directed to continue making payment to the applicants @ 292/- per day instead of Rs. 164/- per day from the date when lesser payment of Rs. 164/- per day is paid to the applicants. It was also observed that the applicants are also entitled to arrears of lesser payment paid by the respondents.

13. Since it is not disputed between the parties that in both the present Original Applications, a similar controversy is involved, and the applicants have prayed that the order dated 31.05.2011 (Annex. A/7) be quashed and set aside and they may be allowed the payment of Rs. 292/- per day, therefore, in view of the order dated 14.08.2012 passed by Central Administrative Tribunal, Jodhpur Bench in OA No. 531/2011 and other connected matters - Abdul Kadar & Ors. vs. Union of India & Ors. (supra) and also in view of the order dated 17.10.2012 passed by this Bench of the Tribunal in OA No. 547/2011 and other connected matters - Manoj Kumar & Ors. vs. Union of India & Ors. – (supra) and in view of the order dated 24.07.2013 in OA No. 850/2012 and another connected matter - Pawan Kumar Rawal & Ors. vs. Union of India & Ors. (supra), the impugned order dated 31.05.2011 (Annexure A/7) passed by the respondents is quashed and set aside and the respondents are

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directed to continue making payment to the applicants @ Rs. 292/- per day instead of Rs. 164/- per day from the date when lesser payment of Rs. 164/- per day is paid to the applicants. The applicants are also entitled to arrears of lesser payment paid by the respondents.

14. Consequently, both the Original Applications are disposed of in the above terms with no order as to costs.

15. Certified copy of this order be kept with the paper book of Original Application No. 221/2012.

(ANIL KUMAR)
ADMINISTRATIVE MEMBER

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