

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00238/2018

Dated Friday the 9th day of March Two Thousand Eighteen

PRESENT

HON'BLE SMT. B. BHAMATHI, Member (A)

- 1.D.Srinivasan,
- 2.K.Sridhar,
- 3.N.Sarangan,
- 4.S.Ezhilarasan,
- 5.D.Umameswaran,
- 6.P.Janardana,
- 7.N.Ramakrishnan,
- 8.A.Selvaraj,
- 9.M.Mohan,
- 10.M.Bujjaiah,
- 11.N.Bhuvaneswari,
- 12.U.Hemalatha,
- 13.G.Mary Francina,
- 14.T.Viswanathan,
- 15.V.Prema,
- 16.S.Sachidhanandhan,
- 17.N.Logeeswaran,
- 18.C.Ravikumar,
- 19.G.Venkatesan,
- 20.C.V.Janarthanan,
- 21.G.Prabhakar.

....Applicants

By Advocate M/s. Menon, Karthik, Mukundan & Neelakantan

Vs

- 1.Union of India rep by,
The Director General of Posts,
Dak Bhawan, New Delhi.
- 2.The Chief Postmaster General,
Tamil Nadu Circle, Anna Salai,
Chennai 600002.
- 3.The Postmaster General,
Chennai City Region,
Chennai 600002.

4.The Chief Postmaster,
Anna Road HPO,
Chennai 600002.

5.The Deputy Chief Postmaster (Treasury),
Anna Road, Head Post Office,
Chennai 600002.

....Respondents

By Advocate Mr. M. Kishore Kumar

ORAL ORDER

(Pronounced by Hon'ble Smt. B. Bhamathi, Member(A))

The applicants have filed this OA under section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To direct the respondents to pay the applicants minimum of the pay in the pay scale attached to the post in which they are working as outsider (casual labourer) along with allowances attached to such posts as was being paid earlier and further restrain the respondents from altering in any manner the conditions of the service of the applicants as was existing on 22.06.2012, the date when OA 24/2011 and OA 594/2011 filed by the applicants for absorption were allowed and pass such further or other orders as may be deemed fit and proper.”

2. It is submitted that the applicants are working as Outsiders engaged in the short term vacancies in the post of Postman and Group D posts and as such, many of them have completed 20 years. They were paid their salary along with dearness allowance as per the P & T Manual as well as the extant instructions of the Department of Post. Earlier, the applicants filed OA 24/2011 and 594/2011 for absorption in Group D vacancies relying on the order passed by the Ernakulam Bench of this Tribunal which was upheld by the Hon'ble Kerala High Court. The OAs were allowed by an order dt. 22.06.2012 by this Tribunal along with a direction to absorb the applicants therein. Against the order of this Tribunal, the respondents therein preferred a WP in which an interim stay has been granted and the said WP is pending before the Hon'ble Madras High Court. It is alleged that the applicants are being paid comparatively lesser salary than previously

paid even though they are performing the work as that of a regular Postman or Group D employee. It is further alleged that even though a legal notice against the reduced pay was sent to the respondents, the applicants are continued to be paid reduced salaries. Learned counsel for the applicant places his reliance on the order of the Hon'ble Apex Court in the case of *State of Punjab Vs. Jagjit Singh & Ors.*

3. The respondents have filed a status report contesting the claim of the applicants. They have submitted that the applicants are not covered by any contract or statute and their services are utilised only on need basis as daily wagers and they are not covered by any recruitment rules and therefore, the applicants' claim for payment of minimum pay and allowances to the attached post is not tenable. Their grievance also not being maintainable before this Tribunal, the competent Court is the Labour Court. They have submitted that the OA is devoid of merits and prayed for dismissal of the OA.

4. Heard both counsel at length and perused the records.

5. Considering the submission and facts of the case as set out in the OA, the ends of justice would be met in this case, if the applicants are at liberty to supplement their contentions in this OA by a further representation and submit the same, if required within a period of one week from the date of receipt of a certified copy of this order. The 2nd respondent is directed to dispose of the claim of the applicants herein by considering their contentions made in this OA along with their

further representations received, if any and pass a reasoned and speaking order, as per the principles of natural justice and in a manner known to law within a period of 12 weeks thereafter.

6. OA is disposed of with the above direction.

(B. Bhamathi)
Member(A)
09.03.2018

SKSI