

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00222/2018

Date of Order: This, the 9th day of July 2018

THE HON'BLE SMT. MANJULA DAS, JUDICIAL MEMBER

1. Sri Hiranya Das, S/o Sri Harnath Das
Vill – Barkhetri Bogar (Rowmari)
P.S. – Belsor, P.O. – Balowa
Dist – Nalbari, Pin – 781310.
2. Sri Pinku Rajbonshi, S/o Sri Basanta Rajbongshi
Vill – Sukhanjari, P.S. – Sarbhog
P.O. – Duramari, Dist – Barpeta, Pin – 781317.
3. Sri Indrajit Das, S/o Lt. Joren Chandra Das
Vill – Sanpara, P.S. – Palashbari
P.O. – Jharabari, Dist – Kamrup (R), Pin – 781122.
4. Sri Jugal Das, S/o Lt. Sarat Das
Vill – Sanpara, P.S. – Palashbari
P.O. – Jharabari, Dist – Kamrup (R), Pin – 781122.
5. Sri Ritu Moni Seal, S/o Sri Dilip Kumar Seal
Vill – Rajaduwar, P.S. – North Guwahati
P.O. – Rajaduwar, Dist – Kamrup (R), Pin – 781030.
6. Sri Sukur Ali, S/o Late Nuru Shekh
Vill – Bhaitipara, P.S. – Mornoi, P.O. Dubapara
Dist – Goalpara, Pin – 783101.
7. Sri Shahjahan Ali, S/o Late Chamnur Ali
P.S. – Mornoi, P.O. – Dubapara
Dist – Goalpara, Pin – 783101.
8. Sri Harekrishna Barman, S/o Sri Sargeswar Barman
Vill – Chamatapara, P.S. – Patasarkuchi
P.O. – Bhalguri, Dist – Barpeta, Pin – 781316.
9. Sri Abed Ali, S/o Absar Ali
Vill – Dashabhuja, P.S. – Mornoi
P.O. – Dubapara, Dist – Goalpara, Pin – 783101.

10. Smt. Sabita Kalita, S/o Manuranjan Kalita
Vill – Bhaitipara, P.S. – Mornoi
P.O. – Dubapara, Dist – Goalpara, Pin – 783101.
11. Sri Bharat Gogoi, S/o Thanuram Gogoi
Vill – Muria Gaon (Cheraka Par Kati)
P.S. – Cheraka Par, P.O. – Cheraka Par
Dist – Sivsagar, Pin – 785640.
12. Sri Monoj Konwar, S/o Pradip Konwar
Vill – Hengrakuargaon, P.S. – Mathurapur
P.O. – Dholebagar, Dist – Charaideo, Pin – 785686.
13. Sri Mrinal Kumar, S/o Sri Dhiren Kumar
Vill – Joyasagar Mankota ali
P.O. – Rudrasagar, Dist – Sivsagar, Pin – 785640.
14. Sri Suresh Basfor, S/o Lt. Bishnu Basfor
Vill – Barpukhuripar, P.S. – Sivsagar
P.O. – Sivsagar, Dist – Sivsagar, Pin – 785640.
15. Sri Hema Phukan, S/o Lt. Bhadraswar Phukan
Vill – Joysagar, P.O. – Joysagar
Dist – Sivsagar, pin – 785640.
16. Sri Prasanta Borgohain, S/o Sri Krishna Buragohain
Vill – Bishnunagar, P.S. – Sivsagar, P.O. – Joyasagar
Dist – Sivsagar, Pin – 785665.
17. Sri Jayanta Kumar Phukan, S/o Sri Nabin Phukan
Vill – Chaipahigaon, P.S. – Joysagar
P.O. – Joysagar, Dist – Sivsagar, Pin – 785665.
18. Sri Ranjit Gogoi, S/o Kanthiram Gogoi
Vill – Silpukhuri, P.S. – Gaurisagar
P.O. – Kaliori, Dist – Sivsagar, Pin – 785664.
19. Sri Purna Majhi, S/o Maghiram Majhi
Vill – Silpukhuri, P.S. – Gaurisagar
P.O. – Hatighuli, Dist – Sivsagar, Pin – 785664.
20. Sri Upen Gongu, S/o Niren Gonju
Vill – Silpukhuri, P.S. – Gaurisagar
P.O. – Kaliori, Dist – Sivsagar, Pin – 785664.
21. Sri Joyachandra Borah, S/o Lt. Rupram Borah
Vill – Sukaphanagar, P.S. – Mathurapur
P.O. – Dholebagan, Dist – Charaideo, Pin – 785640.

22. Sri Jatin Phukan, S/o Lt. Bapuram Phukan
Vill – Silpukhuri, P.S. – Hatighuli, P.O. – Hatighuli
Dist – Sivsagar, Pin – 785664.
23. Sri Babul Ch. Nath, S/o Lt. Akon Nath
Vill – Sabukdhora, , P.S. – Hatighuli, P.O. – Hatighuli
Dist – Sivsagar, Pin – 785664.
24. Sri Bijay Kurmi, S/o Lt. Debaru Kurmi
Vill – Negheriting, P.S. – Negheriting, P.O.
Dist – Golaghat, Pin – 786542.
25. Sri Dambaru Das, S/o Sri Numal Das
Vill: Purani Gaon
P.S: Biswanath Chariali, P.O: Biswanath Ghat
Dist: Biswanath Chariali, Pin: 784177.
26. Sri Jitendra Das, S/o Sri Narayan Das
Vill: Purani Gaon
P.S: Biswanath Chariali, P.O: Biswanath Ghat
Dist: Biswanath Chariali, Pin:-784177.
27. Sri Prasanta Deka, S/o Sri Parsu Deka
Vill: 2 No Titkuri, P.S: Rangia, P.O: Titkuri
Dist: Kamrup (R), Pin: 781354.
28. Sri Jadab Das, S/o Sri Kanai Das
Vill: Natun Singri
P.S: Natun Singri, P.O: Natun Singri
Dist: Sonitpur, Pin: 784110.
29. Sri Ram Kumar Kurmi, S/o Sri Hira Ram Kurmi
Vill: Singri Baingali, P.S: Singri, P.O: Singri
Dist:-Sonitpur, Pin: 784110.
30. Sri Balen Das, S/o Lt Jogesh Das
Vill: Kaibarta tola, P.S:- Hajo, P.O: Hajo
Dist: Kamrup (R), Pin: 781102.
31. Sri Parikshit Barman, S/o Lt. Rajat Barman
Vill: Kamarpura, P.S: Hajo, P.O: Hajo
Dist: Kamrup (R), Pin: 781102.
32. Sri Mathura Das, S/o Sri Haridhar Das
Vill: Kaibarta tola, P.S: Hajo, P.O: Hajo
Dist:-Kamrup(R), Pin: 781102.

33. Sri Sushil Das, S/o Sri Surendra Das
Vill: Gayantola, P.S: Hajo, P.O: Hajo
Dist: Kamrup (R), Pin: 781102.
34. Sri Pradip Barman, S/o Sri Dilip Barman
Vill: Kulhati, P.S: Hajo, P.O: Dhamdhama
Dist: Kamrup, Pin: 781102
35. Sri Prasanna Das, S/o Late Nabin Das,
Vill: - Kahibari, P.S. – Hajo, P.O: Ramdiya Majuguri
Dist: Kamrup ⑧, Pin: 781102

All are working as casual labourers at various places of Assam under the Guwahati Circle of the Archaeological Survey of India under the office of the Superintending Archaeologist, Guwahati Circle, Ambari, G.N.B. Road, Guwahati – 781001.

...Applicants

By Advocates: Mr. P.P. Dutta & Mr. C.S. Hazarika

-Versus-

1. The Union of India
Represented by the Secretary to the Government of India
Ministry of Culture, Shastri Bhawan, New Delhi, PIN – 110015.
2. The Archaeological Survey of India
Represented by its Director General
Janpath, New Delhi – 110001.
3. The Additional Director General (ADMN)
Archaeological Survey of India
Janpath, New Delhi – 110001.
4. The Superintending Archaeologist
Guwahati Circle, Archaeological Survey of India
Ambari, G.N.B. Road, Guwahati – 781001.

...Respondents

By Advocate: None

ORDER (ORAL)

MANJULA DAS, JUDICIAL MEMBER:

By this O.A., applicants make a prayer for a direction upon the respondents to pay daily wages to them at the rate of 1/30th of the pay at the minimum of the relevant pay scale (i.e. as per the Central Civil Services (Revised Pay) Rules, 2016) plus dearness allowance in terms of clause (iv) and (vi) of the OM dated 07.06.1988 with arrears from the time they were in service (vide Annexure – A4) and further to pay them the said wages by depositing the same in their respective bank accounts.

2. Heard learned counsel for the applicant. Perused the pleadings and the documents relied upon.
3. According to learned counsel for the applicants, without giving any reason, the respondents deprived the rights of the applicants from their proper pay although the regular employees are doing the same nature of work. The respondents are clearly violates clause (iv) of the OM dated 07.06.1988 by not paying them wages for their OFF days after six working days. The respondents also violates Article 14 of the Constitution of India and the principle of 'equal pay for equal work' by not paying the applicants equal pay as that of the regular labourers though they are performing the same job as the regular labourers continuously for a long time now.

4. According to learned counsel for the applicants, the applicants have been pressing for their demand of receiving 1/30th of the pay for the last many years and have also filed representations to various authorities through their worker's union but their grievance in this regard has not been redressed.

5. In view of the above, without going into the merits of the case and for the ends of justice, I direct the applicants to submit the copy of this O.A. before the respondents within fifteen days. On receipt of the same, the respondent authorities shall treat the same as a representation and dispose of with a reasoned and speaking order keeping in mind clause (iv) of the OM dated 07.06.1988 within two months thereafter.

6. Accordingly, O.A. stands disposed of. No order as to costs.

**(MANJULA DAS)
JUDICIAL MEMBER**

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