

**CENTRAL ADMINISTRATIVE TRIBUNAL  
GUWAHATI BENCH**

Original Application No. 040/00222/2018

Date of Order: This, the 9<sup>th</sup> 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 – Dashabhuj, 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 @, 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 1/30<sup>th</sup> 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 1/30<sup>th</sup> 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**

**PB**