

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH**

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**Original Application No. 290/00322/2015**

Reserved on : 25.04.2019

Pronounced on : 07.05.2019

**CORAM:**

**HON'BLE MRS. HINA P.SHAH, MEMBER (J)**  
**HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

Nena Ram of Shri Khanga Ji, aged 43 years, Part Time Water Man, Head Post Office, Jalore, Resident of 8, Shastri Nagar, Jalore

...Applicant

(By Advocate: Shri Vijay Mehta)

Versus

1. Union of India through the Secretary, Ministry of Communication (Department of Post), Sanchar Bhawan, New Delhi.
2. Superintendent of Post Offices, Sirohi.
3. Head Post Master, Head Post Office, Jalore

...Respondents

(By Advocate: Shri K.S.Yadav)

**ORDER**

**Per Mrs. Hina P.Shah**

The applicant has filed the present OA u/s 19 of the Administrative Tribunals Act, 1985 praying for the following reliefs: -

"The applicant prays that part of impugned reply ANN A 1 mentioned in para No. 11 whereby it has been mentioned that question of payment to the applicant in terms of OM ANN A 2 does not arise may kindly be quashed and respondents may kindly be directed to make payment of wages wef 1/1/2006 in

terms of OM ANN A 2 forthwith. Interest at the rate of 12% on the due payment may kindly be awarded to the applicant. The respondents may kindly be directed to continue to make payment of wages every month in Pay Band of 5200-20200 with Grade Pay of Rs. 1300/- in terms of OM ANN A 2. Any other order, as deemed fit giving relief to the applicant may kindly be passed. Costs may also be awarded to the applicant."

2. It is the case of the applicant that he was appointed as Part-time Waterman in the year 1986 in Head Post Office, Jalore. As per OM dated 22.01.2015 of the Ministry of Communication, Department of Posts, the part-time employees were to be paid minimum wages which was to be calculated on pro-rata basis in terms of hours of duty put in with respect of minimum of Pay Band-1 (Rs. 5200-20200) i.e. Rs. 5200 with Grade Pay of Rs. 1300 and Dearness Allowance as admissible from time to time, in addition to merger of 50% of Dearness Allowance.

The applicant claims that he is entitled to get his wages w.e.f. 1.1.2006 in accordance with OM dated 22.1.2015 (Ann.A/2). The applicant also served notice dated 16.6.2015 for implementation of the said OM and the respondents vide their reply admitted that the applicant was appointed as Part-time Waterman in the year 1986 and have also admitted that he is entitled to be paid wages as per the said OM w.e.f. 1.1.2006. Since, on the date of filing of the OA i.e. 19.8.2015 as the applicant did not get the

benefit of the said OM, he has filed the present OA seeking direction to the respondents that he may be paid wages w.e.f. 1.1.2006 as per the said OM with interest @ 12% on the due payments.

3. The respondents have filed reply dated 13.12.2016. The respondents have stated that exercise for giving benefit pursuant to the OM dated 22.1.2015 (Ann.A/2) has been completed and necessary orders dated 7.9.2015 (Ann.R/1) has been issued and the applicant has been paid wages accordingly. The respondents have also annexed MPR for the month of September, 2015 for Rs. 4998 (Ann.R/2). They have further submitted that the arrears from 1.1.2006 to 31.08.2015 of Rs. 77748/- has also been paid to the applicant on 8.10.2015 vide MPR dated 7/8.10.2015 (Ann.R/3). Therefore, according to respondents, the relief claimed in the present OA has already been granted and the present OA is liable to be dismissed being rendered infructuous.

4. In rejoinder, the applicant has only added that the respondents have deliberately not filed the calculation sheet showing the calculation as to how the amount of arrears of Rs. 77748/- has been arrived and grievance of the applicant

now remains to the issue of showing the calculation sheet on the basis of which the payment has been made.

5. Heard Shri Vijay Mehta, counsel for the applicant and Shri K.S.Yadav, counsel for the respondents and perused the material available on record.

6. The applicant agrees about the revision of remuneration as per Ann.R/1 and, therefore, his grievance remains only to the extent of calculation of the amount of Rs. 77,748/- which has been paid to the applicant on 8.10.2015 vide MPR dated 7/8.10.2015 (Ann.R/3).

7. The respondents have referred Ann.R/1, R/2 and R/3 stating that the relief prayed in this OA has already been granted by the respondents and therefore, the OA has become infructuous.

8. Considered the rival contentions of both the parties.

9. Admittedly, the grievance of the applicant pertaining to payment of wages as per OM dated 22.1.2015 has been met as wages of the applicant and other part-time labourers have been revised as per the OM dated 22.1.2015 and arrears of Rs. 77748/- has also been given to the applicant (Ann.R/3). This fact is not in dispute. However,

the applicant states that the respondents have not disclosed the calculations showing as to how the amount of Rs. 77748/- arrived, which has been received by the applicant.

10. In these facts and circumstances, we are of the view that the relief as prayed in this OA has been granted by the respondents, thus, the present OA has become infructuous and it is dismissed accordingly. As far as the issue of calculation of the amount received by the applicant is concerned, the applicant may make an application to the respondents in this regard and the same may be provided by the respondents to the applicant.

11. With above observations, the OA is dismissed as infructuous with no order as to costs.

**(ARCHANA NIGAM)**  
**ADMV. MEMBER**

**(HINA P.SHAH)**  
**JUDL. MEMBER**

R/