

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

**Original Application No.21/625/2018**

**Reserved on: 16.07.2019**

**Pronounced on: 19.07.2019**

Between:

S. Sukanyamma, W/o. late J. Koteswara Reddy,  
Aged about 49 years, Working as a Casual Labour (Gr.C),  
At Sangemeswara Temple, Alampur,  
Jogulamba Gadwal District, Telangana State.

...Applicant

AND

1. The Union of India,  
Ministry of Culture,  
New Delhi, Rep. by Secretary
2. The Archaeological Survey of India,  
Janpath, New Delhi – 110011,  
Rep. by its Director General.
3. The Superintending Archaeologist,  
Archaeological Survey of India,  
Hyderabad Circle, Kendriya Sadan,  
3<sup>rd</sup> Floor, 2<sup>nd</sup> Block, Sultan Bazar,  
Hyderabad – 500 095.

... Respondents

Counsel for the Applicant      ...      Mrs. S. Anuradha, Advocate  
For Mr. Ch. Ravinder

Counsel for the Respondents      ...      Mr. A. Surender Reddy,  
Addl. CGSC

**CORAM:**

***Hon'ble Mr. B.V. Sudhakar, Member (Admn.)***

**ORDER**

*{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }*

2. The OA is filed for not paying minimum wages to the applicant.
3. Brief facts of the case are that the applicant was conferred with temporary status while working as a casual labour in the respondents organisation on 1.9.1993. Applicant is being paid daily wages though she is doing similar duties like other regular employees. After referring to the measurement book and attendance register, her monthly wages are being credited to her bank account. However, as the applicant is not being paid the minimum wages of Rs.18,000 + dearness allowance, the OA has been filed.
4. The contentions of the applicant are that though the notification revising minimum pay of Central Govt. Employees w.e.f. 1.1.2016 was issued on 25.7.2016, minimum wages of casual labourers have not been revised. The 1<sup>st</sup> respondent has issued instructions to make payment of minimum wages to casual labour @ Rs.18,000/- + dearness allowance on 7.6.1988. Similarly situated persons like the applicant have been paid the minimum wages by the Hyderabad circle of the respondents organisation whereas applicant has been denied. Applicant has been working for the respondents since many years and yet she is being paid only daily wages. Hon'ble Supreme Court has observed that for equal work equal pay has to be paid. Several representations were made but of no avail. Respondents being a model employer need to act fairly. Non payment of minimum wages with 1/30<sup>th</sup> status is against Articles 14 & 21 of the Constitution.

5. Respondents oppose the contentions of the applicant by stating that she is being engaged on a daily basis whenever there is work and is paid as per the standard schedule of rates prescribed by the State as well as the Central Govt. Therefore, applicability of the clause of 1/30<sup>th</sup> status and office order dated 26.12.2016 does not arise in her case. On the sudden demise of her husband, keeping in view her penurious condition she was engaged on a daily wages basis. She was not appointed after following due procedure. Further, as per letter dated 26.12.2016 the payment of wages i.e. 1/30<sup>th</sup> of the status should be in accordance with instructions issued by DOPT memo dated 7.6.1988. As per instructions contained in letters dated 21.1.2015, 9.1.2014 and 10.8.2017 of the respondents organisation engagement of casual labour has to be stopped. Consequently, tenders were floated for supply of manpower as per latest rules.

6. Heard both the counsel and perused the pleadings on record.

7(I) Applicant has been engaged on daily wage basis due to the untimely death of her husband, purely on humanitarian grounds. She is being paid daily wages for the number of days worked based on measurement book and daily attendance register. Her engagement is contingent upon the work being available. As seen from the records, she has not been appointed by following due procedure. Applicant claimed that similarly situated persons were paid minimum wages but no details were furnished. Thus, it is clear that the applicant on being engaged as a daily wager is paid as per the standard schedule of rates prescribed by the State and Central Govt. respectively. Hence, she does not come under the

ambit of OMs namely 7.6.1988, 25.7.2016 & 26.12.2016 referred to above, which deal with the issue of minimum wages. Equal pay for equal work is based on many factors namely the responsibility shouldered, nature of work, mode of recruitment etc. Therefore, applicant being a daily wager she cannot compare herself with regular employees and seek benefits on par with them.

(II) Thus, based on the aforesaid facts, there is no scope to intervene on behalf of the applicant to provide the relief sought. Respondents have acted as per rules. Therefore, the OA is devoid of merit and hence is dismissed, with no order as to costs.

**(B.V. SUDHAKAR)**  
**MEMBER (ADMN.)**

Dated, the 19<sup>th</sup> day of July, 2019

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