

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

Original Application No.20/626/2018

Reserved on: 16.07.2019

Pronounced on: 19.07.2019

Between:

1. G. Veerachandra Kumar, S/o Srinivasulu, Group C,
Aged about 30 years, Occ: Casual Labour
R/o 4/72, Pushpagiri, Kadapa. A.P.
2. G. Venkata Ratnam, S/o Keshava,
Aged about 30 years, Occ: Casual Labour
R/o 3-33, Pushpagiri, Kadapa, A.P.
3. P. Srinivasulu, S/o Chalapathi,
Aged about 27 years, Occ: Casual Labour
R/o Nayudu Street, Siddavatam, Kadapa. A.P.
4. M. Mallikarjuna, S/o Swamy Das,
Aged about 25 years, Occ: Casual Labour
R/o 4/81, Harijanawada, Kadapa. A.P.
5. Nookalapati Niranjan Kumar
S/o Ramanaiah,
Aged about 33 years, Occ: Casula Labour,
Thotapalem, Aravapalli,
Nandalur, Kadapa - 516 150
6. P. Subramanyam, S/o Nagi Reddy,
Aged about 46 years, Occ: Casual Labour
R/o 6/1537, Kadapa. A.P.
7. Boya Ramulu, S/o Boya Yellaiah,
Aged about 37 years, Occ: Casual Labour
R/o 2-65, Gandikota, Kadapa. A.P.
8. R. Vijaya John Bhaskar Rao,
S/o Dhairyudu,
Aged about 50 years, Occ: Casual Labour
R/o 10/84, Peddapasupula, Kadapa. A.P.
9. M. Phani Kumar, S/o Subba Rayudu,
Aged about 36 years, Occ: Casual Labour
R/o 36-163-8, 2nd floor, Vedachalam Nagar,
China Chowk, Kadapa, A.P.

10. D. Nagamma, W/o Pedda Pullaiah,
Aged about 38 years, Occ: Casual Labour
R/o 2-58, S.C. Colony,
Peddamudiyam, Kadapa. A.P.
11. B. Savitri, W/o Chinna Pullaiah,
Aged about 37 years, Occ: Casual Labour
R/o 2-62/B, Peddamudiyam, Kadapa. A.P.
12. Mekala Shiva Shankariah, S/o Gangaiah,
Aged about 32 years, Occ: Casual Labour
R/o 5-97/B, Rajampet, Kadapa. A.P.
13. T. M. Manikanta Reddy, S/o T. Muni Krishna Reddy,
Aged about 30 years, Occ: Casual Labour
R/o Pushpagiri, (P&V), Chennur (SO),
Vallur (M), YSR Kadapa, A.P.
14. N. Surendra, S/o Narsimha Reddy,
Aged about 31 years, Occ: Casual Labour
R/o Pushpagiri, (P&V), Chennur (SO),
Vallur (M), YSR Kadapa, A.P.
15. Ganta Narsimha, S/o Narsimaiah,
Aged about 26 years, Occ: Casual Labour
R/o 4/19, Pushpagiri, Kadapa. A.P.
16. Kola Chandrasekhar, S/o Katam Raju,
Aged about 28 years, Occ: Casual Labour
R/o 8-6-1, Satyanagar, Visakhapatnam, A.P.
17. T.L.V. Prasad, S/o Bhaskar Prasad,
Aged about 40 years, Occ: Casual Labour
R/o 1st Floor, R/o 6/1, Satyanagar,
Visakhapatnam, A.P.
18. Thoomu Govindu, S/o Late Jogi Raju,
Aged about 54 years, Occ: Casual Labour
R/o 70-2-181, Guntamukkala,
Kakinada, East Godavari District, A.P.
19. Kanikella Arjun Singh, S/o K. Anand Rao,
Aged about 27 years, Occ: Casual Labour
R/o 1-66, Ambedkar Nagar,
S. Achitapuram, Kakinada Rural,
East Godavari District, A.P.
20. Vallabasetthy Lakshmana Dora, S/o V. Thammaiah,
Aged about 38 years, Occ: Casual Labour
R/o 2-188, Kapavaram, Korukonda,
East Godavari District, A.P.

21. Pendyala Brahma Raju, S/o P. Krishna Murthy,
Aged about 27 years, Occ: Casual Labour
R/o 15-30, Hareram Nagar,
Gollaprolu Mandal, Chebrolu,
East Godavari District, A.P.
22. K. Appanna, S/o K. Satyanarayana,
Aged about 38 years, Occ: Casual Labour
R/o 4-164/1/A, Gollaprolu Mandal,
Kodavali, East Godavari District, A.P.
23. Nadivinthi Durga Suryanarayana Rao,
S/o Surya Rao,
Aged about 34 years, Occ: Casual Labour
R/o 3-25, EBC Colony,
Gollaprolu Mandal, Kodavali, East Godavari District, A.P.
24. Vemuri Venkata Gopala Krishna,
S/o Sriramulu, Aged about 45 years, Occ: Casual Labour
R/o 10-118, Gantasala,
Krishna District, A.P.
25. Patapati Hanumantha Rao, S/o Anjaiah,
Aged about 55 years, Occ: Casual Labour
R/o 32/60-1, Badarkota,
Machilipatnam, Krishna District, A.P.
26. Potturi Chandrasekhara Rao,
S/o Bhushaiah, Aged about 36 years, Occ: Casual Labour
R/o 8-779/2, Gantasala, Krishna District, A.P.
27. Chinchinada Nagaraju, S/o Chinna Srinu,
Aged about 24 years, Occ: Casual Labour
R/o 2-34, Shivalayam Street
Bhatlamaturu, West Godavari District, A.P.
28. Kanchana Naga Prasad, S/o Pothuraju,
Aged about 32 years, Occ: Casual Labour
R/o 3-107, Pedavegi, West Godavari District, A.P.
29. Pallikanti Ramesh, S/o Abraham,
Aged about 35 years, Occ: Casual Labour
R/o 4-102, Cheruvu Bazar,
Ramireddipalle, Krishna District, A.P.
30. Vallepu Dharma Rao, s/o Yedukondalu,
Aged about 43 years, Occ: Casual Labour
R/o 9-443, Yerrabalem,
Mangalagiri, Guntur District, A.P.

31. Vadde Yesubabu, S/o Vadde Rangaiah,
Aged about 26 years, Occ: Casual Labour
R/o 3-333, Penumaka, Guntur District, A.P.
32. M. Siva Prasad, S/o Syma Sundara Sarma
Aged about 47 years, Occ: Casual Labour,
R/o Baburu Village, Ramateertham (Post),
Vidavalur (Mandal), SPSR Nellore District.
33. M. Nagendra, S/o M. Tirupalu,
Aged about 27 years, Occ: Casual Labour
R/o Gollapalem, Udayagiri,
Nellore, SPSR Nellore District, Andhra Pradesh.
34. K. Srinivasa Rao, S/o Veeranjaneyulu
Aged about 37 years, Occ: Casual Labour
R/o 3-74, Penumaka, Guntur, Andhra Pradesh.
35. A. Venkatesh, S/o Appalaiah
Aged about years Occ: Casual Labour
R/o Annavarapupadu, 4th Lane,
Ongole, Prakasam District, A.P.
36. Chevula Nagaiah, S/o Guruvaiah
Aged about 40 years, Occ: Casual Labour
R/o 1-99, Ambavaram, Chandrasekharapuram,
Prakasam District .A.P.
37. N. Venkata Ramanaiah, S/o Venkaiah,
Aged about 45 years, Occ: Casual Labour,
R/o Behind Shivalayam, Ramathirtham,
Vidavaluru, Nellore, SPSR Nellore District, A.P.
38. Thota Ranganayakulu, S/o Picchi Rangaiah,
Aged about 31 years, Occ: Casual Labour
R/o 5-3, Madhavaswamy Veedhi,
Thudimella, Prakasam District, A.P.
39. Abdul Juber, S/o Abdul Hafeez,
Aged about 26 years, Occ: Casual Labour
R/o 18-95, Battiprolu, Guntur District, A.P.
40. T. Anjaneyulu, S/o Venkata Subbaiah,
Aged about 35 years, Occ: Casual Labour
R/o 5-18, Turumella, Prakasam District, A.P.
41. Chilakala Maheswara Reddy, S/o Guruva Reddy,
Aged about 26 years, Occ: Casual Labour
R/o 1-12B, Pitakayagulla, Prakasam District, A.P.

42. Shaik Hussain Basha, S/o Shaik Amusa,
Aged about 35 years, Occ: Casual Labour
R/o 14-33, Udayagiri,
Nellore, SPSR Nellore District, A.P.

43. P. Mohan Rao, S/o Dammaiah,
Aged about 26 years, Occ: Casual Labour
R/o 37-1-4-125, Ongole,
Prakasam District, A.P.

44. Vallepu Dharma Rao, S/o Yedukondalu,
Aged about 43 years, Occ: Casual Labour
R/o 9-443, Yerrabalem,
Mangalagiri, Guntur District, A.P.

...Applicant s

AND

1. The Union of India,
Ministry of Culture,
New Delhi, Rep. by Secretary
2. The Archaeological Survey of India,
24 Tilak Marg, New Delhi – 110011,
Rep. by its Director General.
3. The Superintending Archaeologist,
Archaeological Survey of India,
Amaravathi Circle, Flat No. 508,
RR Heights, Enikepadu Road,
Near Tadigadapa, Vijayawada – 520 007, AP.

... Respondents

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

Counsel for the Respondents ... Mr. A. Surender Reddy, for
Mrs. B. Gayatri Varma,
Sr. PC for CG

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 applicants.
3. Brief facts of the case are that the applicants are working as casual labour in the respondents organisation since 2010/2014. They were appointed by following due procedure. However, no order of appointments were issued though the duties discharged by them are similar to the regular employees. Applicants are being paid daily wages after referring to the measurement book and attendance register and monthly wages are being credited to their bank accounts. However, as the applicants are not being paid minimum wages of Rs.18,000 + dearness allowance, the OA has been filed.
4. The contentions of the applicants 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 1st respondent has issued instructions to make payment of minimum wages to casual labour @ Rs 18000 + 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 applicants have been denied. Applicants have been working for the respondents since many years and yet they are 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 1/30th status is against Articles 14 & 21 of the Constitution.

5. Respondents despite being given ample opportunities have not filed the reply statement. Learned counsel for the respondents informed that the reply filed in OA 625 of 2018 regarding the same issue, covers the points raised in the present OA too. Hence, based on the reply statement filed by the respondents in OA 625 of 2018, he has submitted his arguments.

6. Learned Respondents counsel opposed the contentions of the applicants by stating that the applicants are being engaged on a daily basis whenever there is work and are paid as per the standard schedule of rates prescribed by the State as well as the Central Govt. Therefore, applicability of the clause of 1/30th status and office order dated 26.12.2016 does not arise in their case. They were not issued any appointment order. Further, as per letter dated 26.12.2016 the payment of wages i.e. 1/30th of the status should be in accordance with instructions issued by DOPT memo dated 7.6.1988. As per instructions contained in letters dated 9.1.2014, 21.1.2015 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 records plus the material papers placed on record.

7(I) Applicants are engaged on daily wage basis depending on the availability of work. They are being paid daily wages for the number of days worked based on measurement book and daily attendance register. No appointment orders were issued. Applicants claim that similarly situated persons were paid minimum wages but no details were furnished. Thus it is clear that the applicants are being engaged on daily wages and are being paid as per the standard schedule of rates prescribed by the State and Central Govt. respectively. Hence they do not come under the ambit of OMIs dated 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, applicants being a daily wagers cannot compare themselves 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 applicants 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 19th day of July, 2019

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