

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

Original Application No.20/01560/2015

Date of Order: 12.06.2019

Between:

M. Koteswara Rao, S/o. Anjaiah,
Aged 49 years,
Daily Rated Contingency Worker as Group C Employee,
Railway Mail Service, Guntur,
R/o. D. No. 2-1-21/1, Stambalagaruvu,
Guntur – 522 006.

... Applicant

And

1. Union of India, Rep. by its Director General,
Posts Department, New Delhi – 110 001.
2. The Post Master General,
Vijayawada Region, Vijayawada,
Krishna District – 520 010.
3. The Superintendent,
RMS 'Y' Division,
Vijayawada, Krishna District – 520 010.
4. The Sub Record Officer,
Kothapet, Guntur – 522 001.

... Respondents

Counsel for the Applicant	...	Mr. Md. Tazoddin
Counsel for the Respondents	...	Mr. B. Laxman, Advocate for Mr. M. Venkata Swamy, Addl. CGSC

CORAM:

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

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

2. The OA has been filed in regard to non-payment of arrears of wages to the applicant.

3. Brief facts of the case, as per the version of the applicant, are that he worked as Daily Rated Contingency Worker in Group 'C' cadre of the Postal Department from 10.03.2008 to 01.07.2014. He possessed requisite qualification as is required for a Group 'C' employee i.e. Intermediate. On 19.07.2014, the Supervisor in the respondent organization abused the applicant and did not allow him to do his duties. The applicant represented on 21.07.2014 to the respondents about the Supervisor and in response, he was dis-engaged from service for no fault of his. Based on the work done, he was paid as per the Minimum Wages Act, 1948 and as per the relevant District Collector's order. The applicant cited the observation of the Hon'ble Supreme Court in WP No. 373/1986 wherein it was held that "Payment of wages to contingency workers at minimum of pay in the pay scales of the regularly employed workers in the corresponding cadre", in support of his contention. He also cited the respondents letter dt. 12.02.1988, which states that "all the casual labourers engaged on casual basis are to be paid wages worked out on the basis of the minimum pay in the pay scale of regularly employed workers in the corresponding cadre ...". The applicant is aggrieved that he has not been paid the wages as per the above cited order of the respondents and the observation of the Hon'ble Supreme Court. Hence, the OA has been filed.

4. The main contention of the applicant is that he should be paid minimum of the pay in the pay scale of the regularly employed in the

corresponding cadre. He claims to have been engaged in Group C cadre. Therefore, he should be paid arrears of wages on the basis of minimum pay in the Group 'C' cadre.

5. In response, the respondents have informed that the applicant was engaged as an outsider to attend work relating to sorting of mails on outsourcing basis as and when required from 10.03.2008 to 01.07.2014. As the nature of work was not regular, no appointment or any engagement order was issued to the outsides, who were engaged on outsourcing basis. The outsourced employees have been paid allowances on hourly rated basis as prescribed by the District Collector of the respective District. As the applicant was found to be coming late to office and his errant behaviour, the applicant was dis-engaged.

6. Heard learned counsel for both sides and perused the material on record including the rejoinder and the additional reply filed by the parties.

7 (I) The claim of the applicant is that he has worked in Group C cadre, which is not borne on record submitted to this Tribunal. The applicant was engaged as and when there was work available in the mail office. He was not engaged against any vacancy nor was he appointed by following the prescribed procedure. The applicant has not produced any order of appointment or any letter claiming that he has been appointed to the post of Group 'C'.

(II) Learned counsel for the applicant emphasised that though the applicant has not been appointed as per the procedure and rules, yet he did the work which was similar to the one done by Group C employee. The contention of the learned counsel for the applicant is far-fetched because Group C employee in the mail office not only sorts the mail, but also shoulders other responsibilities like bag closing, bag opening and maintenance of records, etc, which the outsourced employee is not expected to perform. Therefore, the claim of the applicant that the nature of duties of Group 'C' employee are similar to that of outsourced employee like the applicant, is incorrect. The judgment and the orders cited by the applicant apply only in case, where he has been taken on duty after following the prescribed procedure and rules and that too, against a vacancy. As was admitted by the learned counsel for the applicant, since the applicant was not brought on to the rolls of the department as per the rules prescribed, he would not be entitled for the minimum pay, as has been demanded by him. He has been paid on hourly basis, as prescribed by the District Collector in accordance with the rules on the subject. The Tribunal, therefore, does not find any merit to intervene on behalf the applicant. Hence, the OA is dismissed. No order as to costs.

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

Dated, the 12th day of June, 2019

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