

31st January, 2025
(D/L No.15)
Ct. No.4
(SKB)

W.P.C.T.275 of 2024

Pravat Halder and another
Versus
Union of India and others

Mr. Gokul Chandra Chakraborty,
Mr. Aditya Shit
....for the petitioners.

Ms. Jayita Dhar
...for the respondent nos.2 and 3.

Mr. Devranjan Das
... for the U.O.I.

1. Heard learned counsel for the petitioners as well as the learned counsel for the respondents.
2. It is the case of the petitioners that they had moved before the Central Administrative Tribunal (in short 'Tribunal') for grant of certain benefits claiming that they are working as temporary or casual workers under the respondent nos.2 and 3.
3. The Tribunal had come to a finding based on the admission made by the respondents which is recorded in the order of the Tribunal dated 22.07.2024 which reads as follows:

“2.1 It is noticed that the petitioners had approached this Tribunal by way of OA no. 350/1690/2016 and had sought prayer that this Tribunal may issue direction upon the respondents to refix their wages at revised pay under 6th and 7th Pay Commission corresponding to pay of the regular employees.

This Tribunal has passed the following directions, as contained in para 5 of the said order, which reads as under :-

“

8. *It is quite discernible that the respondents have emphatically admitted in their reply the fact that the applicants are discharging their duties that they have claimed by way of this application; that, the applicants are being paid directly by the respondents and not by any contractors, albeit on weekly basis, but it is also evident that the wages paid are not commensurate with the wages that they are legally entitled to in terms of the DoPT OM dated 07.06.1988, 17.06.2016 etc., as enumerated supra.*

We are of the opinion that the respondents are guilty of unfair practice depriving these poor people of their legitimate dues most arbitrarily and in an unfair manner. They cannot be allowed to continue with the deprivation as above only because these applicants have no bargaining power.

9. *Hence, we direct the authorities to grant all admissible benefits to the present applicants in consideration of the decisions cited supra and pass appropriate orders within two months.*

.....”

3. On receipt of the 'Notice' issued by this Tribunal, Learned Counsel Mr. B. B. Chatterjee appears on behalf of the respondents/alleged contemnors. Respondents/Alleged Contemnors have filed their compliance report wherein it has been stated that, as per order passed by this Tribunal dated 05.10.2021, the matter was thoroughly examined and it was concluded that *"the applicants are never been employed as Casual Labourers in the Department of Posts, and as such they are not entitled for 'admissible' benefits and as such their claim for payment of remuneration as per OM dated 22.01.2015 does not arise at all"*.
4. On the other hand, Learned Counsel for the applicant/petitioner submits that the claim of the petitioners have not been considered in true spirit of the judgment dated 05.10.2021 in OA no. 350/1690/2016 nor it has been disposed of properly. He draws attention to the reasoned order passed by the respondents on 21.02.2022 which concludes by saying that the applicants are not entitled for admissible benefits and as such their claim for payment of remuneration as per OM dated 22.01.2015 does not

arise. The respondents are therefore in contempt and appropriate action needs to be taken against them.

5. We have perused the material on record, more particularly the compliance report filed by the alleged contemnors/respondents. As referred hereinabove, the respondents have sufficiently explained the consideration of the claim of the applicant and their non-eligibility to claim higher rate of wages. We are satisfied with the explanation as contained in the compliance report.”

5. The learned counsel for the petitioners submits that in respect of other similarly situated persons, the authorities have allowed the benefits of the remuneration in terms of Office Memorandum dated 22.01.2015. The petitioners, however, have been discriminated against and similar benefits have not been granted to them.
6. We find such submission to be untenable. The proceedings before the Tribunal was a contempt proceedings, the scope of which is to see whether the authorities had complied with the directions which were based on certain findings, which have been extracted above.
7. The authorities, in compliance with the directions of the Tribunal, have considered the claim of the petitioners and passed a reasoned order on 21.02.2022 wherein they have held that the present applicants were not entitled for payment of remuneration as per Office Memorandum dated 22.01.2015.

8. The petitioners if aggrieved by such order are required to assail the same in an appropriate proceedings afresh. Since the final decision has been taken by the authorities in terms of the order passed by the Central Administrative Tribunal and the compliance report has been accepted, the issue regarding the entitlement of the petitioners cannot be gone into.
9. The petitioners would be at liberty to assail the compliance report in appropriate proceedings.
10. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)