

U.P. Income-Tax Department Contingent ... vs Union Of India & Ors on 4 December, 1987

Equivalent citations: 1988 AIR 517, 1988 SCR (2) 170, AIR 1988 SUPREME COURT 517, 1988 LAB. I. C. 957, 1987 SCC (SUPP) 658, 1988 (1) ATLT 1, (1987) 4 JT 585 (SC), 1987 5 JT 585, 1988 SCC (L&S) 344, (1988) 1 SCJ 59, (1988) 1 LAB LN 667, (1988) 72 FJR 175, (1988) 56 FACLR 121, (1988) 1 LABLJ 396, (1988) 1 CURLR 124, (1988) 2 SERVLJ 38

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Bench: E.S. Venkataramiah, K.N. Singh

PETITIONER:

U.P. INCOME-TAX DEPARTMENT CONTINGENT PAID STATEWELFARE ASSO

Vs.

RESPONDENT:

UNION OF INDIA & ORS.

DATE OF JUDGMENT 04/12/1987

BENCH:

VENKATARAMIAH, E.S. (J)

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VENKATARAMIAH, E.S. (J)

SINGH, K.N. (J)

CITATION:

1988 AIR 517 1988 SCR (2) 170

1987 SCC Supl. 658 JT 1987 (4) 585

1987 SCALE (2) 1222

CITATOR INFO :

R 1988 SC 519 (4)

F 1990 SC 883 (8)

ACT:

Contingent Paid Staff-Regularisation of their Services.

HEADNOTE:

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The petitioner, the Association of the U.P. Income-tax Department Contingen. Paid Staff is aggrieved that even though its members have been rendering service as class IV

employees in the U.P. Incometax Department for a large number of years, the Department is not regularising their services and absorbing them in the class IV services, and they are being paid wages as daily rated labourers, lower than the salary and allowances paid to the class IV employees of the Department. The petitioner filed a Writ Petition in this Court, praying for a writ of mandamus for the relief above-mentioned.

Allowing the petition, the Court,

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HELD: The questions involved in this case are almost the same as in the Writ Petitions Nos. 373 and 302 of 1986, decided by this Court by its judgment dated October 27, 1987, reported in Daily Rated Casual Labour Employed under P
JUDGMENT:

Union of India and Ors. (JT. 1987 [4] S.C. 164), and the same orders/directions as given in that case, be passed in this case. Accordingly, respondents directed to pay wage. to the workmen employed as contingent paid staff of the Income- tax Department throughout India, doing the work of class IV employees at the rates equivalent to the minimum pay in the pay scale of the regularly employed workers in the corresponding cadres, without any increments with effect from December 1, 1986. Such workmen are also entitled to corresponding dearness allowance and additional dearness allowance payable thereon. Whatever other benefits are now being enjoyed by the said workmen shall continue to be extended to them. The respondents shall prepare a scheme on a rational basis for absorbing as far as possible the contingent paid staff of the Income-tax Department, who have been continuously working for more than one year as Class IV employees in the Income-tax Department. [171H; 172H; 173A-C] & ORIGINAL JURISDICTION: Writ Petition (Civil) No. 1670 of 1986.

(Under Article 32 of the Constitution of India). R.C. Kaushik for the Petitioner.

V.C. Mahajan, Ms. A. Subhashini and Girish Chandra for the Respondents.

The following order of the Court was delivered O R D E R This is a petition under Article 32 of the Constitution of India.

The petitioner in this case is the U.P. Income-tax Department Contingent Paid Staff Welfare Association. The members of the said association, as the name of the Association itself suggests, are the contingent paid staff in the Income-tax Department. Their complaint is that even though they have been rendering the service as Class IV employees in the Income-tax Department for a large number of years, the Income-tax Department has not taken steps to regularise their services and to absorb them as members of the Class IV services and that they are being paid wages as daily rated labourers lower than the salary and allowances which the Class IV employees of the Department have been drawing. They pray for the issue of a writ in the nature of mandamus to the respondents to pay them the same salary and allowances which are paid to the employees of the Department in corresponding posts and also for regularising their service. A counter-affidavit has been filed on behalf of the respondents. The respondents do not deny that the contingent paid staff are being paid

daily wages lower than what is being paid to regular employees. It also refers to certain Government order providing for regularisation under certain terms and conditions.

When this petition came up for admission the Court directed that this case should be listed after the disposal of the Writ Petitions No. 373 and 302 of 1986 instituted by the daily rated casual labour employed in the Posts and Telegraph Department, since the questions involved in this case and in those two writ petitions were almost the same. By its judgment dated 27.10.1987 in Daily Rated Casual Labour employed under P & T Department though *Bhartiya Dak Tar Mazdoor Manch v. Union of India & Ors.*, (JT. 1987 4 S.C. 164, this Court has issued the following directions as regards the claim of the daily rated workmen involved therein for higher wages:-

"We accordingly direct the Union of India and the other respondents to pay wages to the workmen who are employed as casual labourers belonging to the several categories of employees referred to above in the Posts & Telegraph Department at the rates equivalent to the minimum pay in the pay scales of the regularly employed workers in the corresponding cadres but without any increments with effect from 5th February, 1986 on which date the first of the above two petitions, namely, Writ Petition No. 302 of 1986 was filed. The petitioners are entitled to corresponding Dearness Allowance and Additional Dearness Allowance? if any, payable thereon. Whatever other benefits which are now being enjoyed by the casual labourers shall continue to be extended to them."

On the claim for regularisation of the services of the workmen involved in the above-mentioned case, this Court issued the following direction:-

"We, therefore, direct all the respondents to prepare a scheme on a rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Posts and Telegraph Department."

The facts and circumstances of the present case are similar to the facts and circumstances of the case relating to the daily rated labour in the Posts and Telegraph Department. We have carefully considered the pleas in the counter-affidavit. The Government orders providing for the absorption of the contingent paid staff are hedged in by a number of conditions. We also find that many such employees have been working on daily wages for nearly eight years and more. We are not satisfied with the scheme which is now in force. We are, therefore, of the view that in this case also we should issue the same directions as in the above decision for the reasons given by the Court in the above decision. We accordingly allow this Writ Petition and direct the respondents to pay wages to the workmen who are employed as the contingent paid staff of the Income-tax Department throughout India, doing the work of Class IV employees at the A rates equivalent to the minimum pay in the pay-scale of the regularly employed workers in the corresponding cadres, without any increments with effect from 1st December, 1986. Such workmen are also entitled to corresponding Dearness Allowance and Additional Dearness Allowance payable thereon. Whatever other benefits which are now being enjoyed by the said workman shall continue to be extended to them. We further direct the respondents to prepare a scheme on a rational basis for absorbing as far as possible the contingent

paid staff of the Income-tax Department who have been continuously working for more than one year as Class IV employees in the Income-tax Department.

This petition is accordingly disposed of with no order as to costs.

S.L.

Petition allowed.