

RTI REQUEST DETAILS			
Registration No. : CECVZ/R/E/23/00096		Date of Receipt : 02/11/2023	
Type of Receipt : Online Receipt		Language of Request : English	
Name : POLIDASARI NAGARAJU		Gender : Male	
Address : H.NO:40/706. , DHARMA PETA , KURNOOL. 518004.A.P, Pin:518004			
State : Andhra Pradesh		Country : India	
Phone No. : +91-9885240110		Mobile No. : +91-9885240110	
Email : KURNOOLPNAGARAJU@GMAIL.COM			
Status(Rural/Urban) : Rural		Education Status :	
Is Requester Below Poverty Line ? : No		Citizenship Status Indian	
Amount Paid : 10)		Mode of Payment Payment Gateway	
Does it concern the life or Liberty of a Person ? : No(Normal)		Request Pertains to :	
Information Sought : find attachment Document please give me my salary			
<div> <input type="button" value="Print"/> <input type="button" value="Save"/> <input type="button" value="Close"/> </div>			

16 August 2023,
Kurnool.

To
The Deputy/Assistant Commissioner,
Customs & Central Excise,
GST Office, Kurnool Division,
N R Peta, Kurnool.

Respected Sir/Madam,

Request for payment of wages.

I request you to kindly pay my wages. I am enclosing order dated 20-04-2023 issued by the Honorable Central Govt. Industrial Tribunal cum Labour Court, Hyderabad. My bank account number is 62462227185 (SBIN0020492), SBI, Park Road Branch, Kurnool.
Enclosures- Court order

Yours faithfully,

P Nagaraju
(P Nagaraju) 13/8/23

Address:

P Nagaraju
S/o P Devanna,
40/706, Dharmapeta,
Kurnool- 518004.
Mob- 9885240110.
CNFB0013724

copy

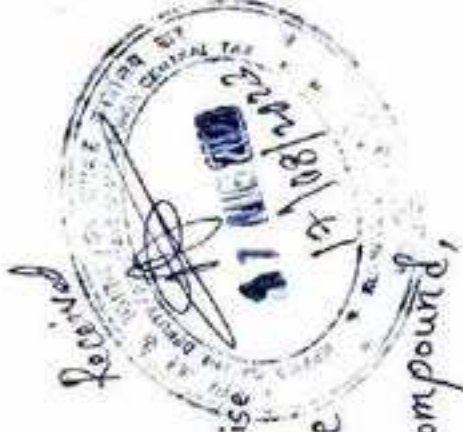
2, The commissioner,

Customs and central Excise

Turupati Commissionerate

9-86-A, West church compound,

M.R palke road, Turupati - 517502



IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, HYDERABAD

Present: - Shri Irfan Qamar,
Presiding Officer

Dated the 20th day of April, 2023

M.P. No. 5/2007

Between:

Sri P. Nagaraju,
S/o P. Devanna,
H.No.40/706, Dharmapeta,
Kurnool – 518004.

And

1. The Chief Commissioner,
Customs and Central Excise,
Vizag Zone, Visakhapatnam.

.....Petitioner



2. The Commissioner,
Customs and Central Excise,
Tirupati Commissionerate,
9-86-A, West Church Compound,
M.R. Palke Road, Tirupathi-517502.
3. The Assistant Commissioner,
Customs and Central Excise,
Divisional Office, Kurnool Division,
Near Children's Park, N.R. Pera,
Kurnool - 518 004.
4. M/s. Sri Krishna Employment
Information and Services,
No.40-790-2, Nehru Nagar,
Kurnool - 518 004, rep. by its
Proprietor Shri B.V. Ramana.

..... Respondents

Appearance:

For the Petitioner :	Sri William Burra, Advocate
For the Respondent :	Sri Kapu Ramakrishna Reddy, Advocate for R1, R2 & R3
	Sri M.V.L.Narasiah, Advocate for R4

ORDER

This petition has been filed by Sri P. Nagaraju under Sec.33 C(2) of the Industrial Disputes Act, 1947 for payment of the amount wage due to Petitioner from Respondent and arrear of revised wages as well as to direct the Respondents to pay the dues with interest @12% p.a.

2. The brief facts of the application are that the Petitioner was engaged by the Respondent No.3 orally on 15.7.1998. The duties performed by him in Respondent's office were "cleaning, sweeping, gardening and certain miscellaneous works like supplying Coffee/Tea or water to the permanent and



regular employees." The Petitioner continued to be engaged as Casual Labour from 15.7.98 to 31.1.2007. The services of the Petitioner were orally terminated by Respondent No.3 w.e.f. 01.02.2007. The said oral termination of Petitioner was illegal, unjust, contrary to the Provisions of the I.D. Act, 1947 and also against the Principles of natural justice. A separate application u/s 2A(2) of the I.D.Act, 1947 has been submitted challenging the illegal termination. The Petitioner submits that while he was working as Casual Labour in the 3rd Respondent Office, he engaged M/s. Sree Krishna Employment Information and Services, Kurnool w.e.f. 01.12.2004 as Labour Supply Agency and engaged labour through the above Agency. However, the Petitioner continued to render his services upto 31.1.2007 as direct labour. The 3rd Respondent however failed to pay the salary/wages from 01.12.2004 to 31.01.2007 and also arrears of difference in wages from 01.4.2004 to 30.11.2004. The Petitioner approached the 3rd Respondent for payment of his salary/ wage and difference in wages every month, but the 3rd Respondent refused to pay the same on the ground that the Petitioner should register his name through the labour supply agency. The Petitioner therefore approached the CAT, Hyderabad and thereafter the High Court of Andhra Pradesh, Hyderabad and obtained interim stay, thereby the Respondents were directed to maintain status quo. The Petitioner submits that he was in the service of the 3rd Respondent upto 31.1.2007 and hence he is entitled for difference in wages and salary for the period from 1.4.2004 to



31.1.2007. The Petitioner further submits that during the period from 1.4.2004 to 30.11.2004, he is entitled for arrears of Rs. 50/- per day consequent upon the revised rates of wages as per the Proceedings of the Collector and District Magistrate, Kurnool which came into force w.e.f. 1.4.2004. The Petitioner is entitled to towards difference in wages of Rs.87,960/-, and Wages/ Salary from 1.4.2004 to 31.1.2007. It is also submitted that Sri A. Rajasekhara Reddy, Asst. Solicitor General of India, High Court of A.P. at Hyderabad has also given his opinion to the 1st Respondent to pay the wages as per the interim orders of the Hon'ble High Court of A.P., Hyderabad. But the Respondent did not pay the wages till date in gross violation of the provisions of law.

3. Notice sent to the Respondent. In response to the notice, 3rd Respondent has submitted his counter and he submitted that the 3rd Respondent has paid total salary to agency. All casual workers have received their salaries from the agency except the Petitioner. The Petitioner has demanded salary amount of Rs.87,960/-, which is not correct. The Petitioner has not worked 30 days in every month. He has worked excluding Saturdays, Sundays and holidays declared by Government.

4. Further, the Respondent No.4 has also submitted his counter and he submitted that all the allegations made in the present petition are neither true nor



correct. It is submitted that the Respondent No.4 engaged 7 employees with Respondent No.3 on contract basis from 1.12.2004 to 1.2.2007. The contract was closed on 1.2.2007. It is submitted that the respondent organization was closed in the month of February 2007. Since that day no persons were with Respondent No.4. The Respondent No.4 paid entire wages to workers as per their work period. The Respondent No. 4 denies the allegation of the petitioner that he was not paid his wages from 1.12.2004 to 31.1.2007. It is submitted that there is not even single allegation or any complaint against Respondent No.4 during the employment of the present petitioner. The petitioner never made any complaint against Respondent No.4, either to any labour authority or to Respondents No.1 to 3 who are his immediate employers, now he cannot take such false and untenable plea that his wages were not paid from 1.12.2004 to 31.1.2007. The Respondent No.4 submitted that the present petition originally was filed against the Respondents No.1,2 and 3 and there is not even a single allegation against Respondent No.4 in petition.

5. In support of his petition, Petitioner has filed chief evidence affidavit of WW1 wherein he has support his averments made in his petition and also proved the documents which have been marked as Ex.W1 to W15 respectively.



6. Petitioner has also filed written arguments. No evidence is lead on behalf of the Respondent.

7. Heard the arguments. Perused the record.

8. The present petition has been filed by the Petitioner w/s . 33C(2) of the I.D. Act, 1947.

The provision of Sec.33C(2) provides that,

“(2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government, within a period not exceeding three months provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.”

Now, we proceed to examine whether any money or benefit is due to workman from the employer Respondent under any settlement or an award or under the provision of Chapter 4A.

9. Petitioner submitted that he was engaged by the Respondent No.3 orally on 15.7.98 and he performed the duties of cleaning, sweeping, gardening, certain



miscellaneous works like supplying Coffee/Tea and water to the permanent and regular employees. The Petitioner continued as casual labour from 15.7.98 to 31.1.2007 but his services were terminated from 1.2.2007. Further it is submitted that while Petitioner was working as a casual labour in Respondent No.3 office, Respondent No.3 appointed M/s. Sri Krishna Employment Information and Services Agency w.e.f. 1.12.2004 as labour supply agency and engaged labour through the above agency. However, the Petitioner and another have also rendered their services upto 31.1.2007 directly. It is further submitted that Respondent No.3 failed to pay the salary/wages from 1.12.2004 to 31.1.2007 and arrears of difference of wages for the said period. The Petitioner approached the Respondent No.3 for payment of his salary and difference in wages every month. But the Respondent No.3 refused to pay the same on the ground that the Petitioner shall register his name through the labour supply agency mentioned herein above. It is submitted that Petitioner was in service of Respondent No.3 on 31.1.2007, hence he is entitled for difference in wages/salary for the period from 1.4.2004 to 31.1.2007. It is further submitted that during the period from 1.4.2004 to 30.11.2004 he entitled for arrears of Rs.50/- per day consequent upon the revised rate of wages as per proceedings of the Collector and District Magistrate, Kurnool which came into force w.e.f. 1.4.2004. The details of salary/wages including difference of wages, as worked out are annexed thereto. The Petitioner is entitled to Rs.87,960/- towards difference in wages for the said period.



10. The Petitioner has supported the averments of his petition in the chief evidence affidavit and he has proved the documents marked as Ex.W1 to W15.

11. As per counter filed by Respondent No.3 there is no specific denial that the Petitioner has not worked in the office of Respondent No.3 from 15.7.98 to 1.2.2007 as a casual labour. Therefore, it is admitted fact that the Petitioner had worked as a casual labour in the office of Respondent No.3 for the said period. Further, the claim of the Petitioner that from 1.12.2004 the Respondent No.3 has appointed M/s. Sri Krishna Employment Information and Services Agency, as labour supply agency, and engaged labour through this agency is also not denied by Respondent No.3. As regard the payment of wages to the Petitioner by the Respondent No.3, for the period from 1.12.2004 to 1.2.2007. So far as, regarding the fact of engagement of the Petitioner as a casual labour in the Respondent office is concerned the Petitioner has filed the relevant documents Ex.W3 and W2 which goes to reveal that the Petitioner has had worked as a casual labour in the Respondent office of Respondent No.3 as well as oral evidence also submitted by Petitioner. Respondent No.3 submitted that he has paid the Petitioner's total salary to the agency and all casual workers have received their salaries from the agencies except the Petitioner. Therefore, Respondent No.3 has clearly admitted the fact that he has engaged the agency M/s. Sri Krishna Employment Information and Services Agency for engagement of casual labour and he has paid the salary to the



agency. He has also admitted that all casual workers have received their salaries through the agency except the Petitioner. Respondent has engaged the contract labour agency w.e.f. 1.12.2004 and since then he has paid the wages to the agency regarding casual labour. No proof of payment of salaries/wages paid to Petitioner has been filed by the Respondent No.3. Respondent No.4 has also not paid wages to the Petitioner nor filed any document pertaining to payment of wages to Petitioner. Whereas Respondent No.4 in his counter he stated that Respondent No.4 paid entire wages in the month of February, 2007 itself at the time of closure of Respondent No.4. Further, Respondent No.4 contended that the Petitioner never made any complaint against Respondent No.4 either to any labour authority or Respondents No.1,2, & 3 who are his immediate employers. Now, he can not take such false plea that, he was not paid for the period from 1.12.2004 to 31.1.2007. Admittedly, Petitioner was engaged as daily wager duly since 1998. However, the Respondent No.3 claims that the payment of wages was made to the Petitioner through agency but no payment voucher or receipt has been filed by the Respondent No.3 or Respondent No.4 for payment of wages to the Petitioner for the said period. Therefore, for want of evidence of payment of wages to Petitioner since 1.12.2004 the claim of the Petitioner that his salary/wages for the period from 1.12.2004 is due and to be paid by the Respondent No.3 since he was in the direct employment of Respondent No.3 has been proved.



12. As per calculation submitted by the Petitioner he was engaged on the wages @ Rs.60/- per day, whereas it has not been disputed by the Respondent No.3. Therefore, the Petitioner is liable for the payment of wages @Rs.60/- per day for the period from 1.12.2004 to 31.1.2007.

13. Further, the Petitioner/ Applicant contended that he is eligible for the revised pay of salary/wages as he claims that as per the proceeding of the Collector and District Magistrate, Kurnool which came into effect w.e.f. 1.4.2004, he is eligible for revised pay from that period till his date of termination. In this regard, the Petitioner submits that during the period from 1.4.2004 to 30.11.2004 he is entitled for arrears of Rs.50/- per day consequent upon the revised rates of wages as per the proceeding of the Collector and District Magistrate, Kurnool which came into effect force from 1.4.2004. The details of the salary/wages including difference of wages as worked out are annexed thereto. Therefore, Petitioner is entitled to receive Rs.87,960/- towards difference in wages for the said period as well as the salary/wages. In support of his claim he has submitted annexure statement with his petition wherein the details of the wages paid, to be paid to the Petitioner from 1.12.2004 to 31.1.2007 is mentioned. As per the proceeding of the Collector and District Magistrate, Kurnool, rate of wages payable has been revised w.e.f. 1.4.2004 raising from the rate of wages of Rs.60/- to Rs.110/- and further the proceeding of the Collector and District Magistrate,



Kurnool has revised the wages w.e.f. 1.4.2006 from Rs.110/- to Rs.124/- per day. The Petitioner has filed Ex.W1 which is a copy of proceeding of the Collector and District Magistrate, Kurnool dated 6.12.2006. The perusal of the said proceeding of the Collector reflects that it is applicable to the casual labour employed in the State Government establishment or the offices where as in the present matter, the Respondent No.3 is Central Government establishment. Therefore, this proceeding of the revised pay by the Collector and District Magistrate, Kurnool is not applicable to the Respondent No.3 office. Apart from it, the Petitioner has not submitted any other notification or circular of appropriate government as mentioned under Sec.33C(2) applicable to casual labour engaged for revised wages. Therefore, in the absence of any notification from appropriate Government the claim of the Petitioner that he is eligible to receive the revised wages as he has claimed is not acceptable.

14. In this context, the decision of the Hon'ble Apex Court in the case of M/s. Bombay Chemical Industries Vs. Deputy Labour Commissioner, Civil Appeal No.813/2022, dated 4.2.2022 is relevant, wherein the Hon'ble Apex Court have held, "as per the settled proposition of law, in an application under Sec.33C(2) of the I.D. Act, 1947, the Labour Court has no jurisdiction and cannot adjudicate dispute of entitlement or the basis of claim of workmen. It can only interpret the award or settlement which the claim is based.



15. Further it is held that in the case of Ganesh Razak and another, "the Labour Court's jurisdiction under Sec 33C(2) is like that of an executing Court. As per the settled proposition of law without prior adjudication or recognition of the disputed claim of the workmen, proceedings for computation of the arrears of wages and/or difference of wages claimed by the workmen shall not be maintainable under section 33C(2) of the Industrial Disputes Act, 1947.

16. It is admitted fact that since Respondent No.3 has engaged the contract labour agency, M/s. Sri Krishna Employment Information and Services Agency w.e.f. 1.4.2004 and wages @Rs.60/- per day has not been paid to the Petitioner from 1.4.2004 upto the date of his termination w.e.f. 1.2.2007. Therefore, Petitioner is liable to receive the wage amount @ Rs.60/- per day for the period from 1.4.2004 to 1.2.2007. The petition is liable to be allowed partly.

ORDER

Therefore, in view of the discussion as above, the Petitioner's application w/s 33C(2) of I.D. Act, 1947 is partly allowed. Therefore, the application for arrears of wages is allowed and the Petitioner is liable for the payment of wages @Rs.60/- per day, for the period from 1.12.2004 to 31.1.2007 for the number of days he has worked excluding non working days, like, public holidays, Saturdays and Sundays from Respondent No.3. The claim for revised pay is



rejected. The said wages amount shall be paid by Respondent No.3 to the Petitioner within 4 months from the date of receipt of this order.

Ordered accordingly.

Dictated to Smt P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 20th day of April, 2023.

(Signature)
(IRAN) 20 MAR
Smt P. Phani Gowri, Personal Assistant
20/04/2023
Court of the District Collector, Kurnool

Appendix of evidence

Witnesses examined for the
Petitioner

Witnesses examined for the
Respondent

WW1: Sri P. Nagaraju

NIL

Documents marked for the Petitioner

- | | |
|--------|--|
| Ex.W1: | Photocopy of proceedings No.D.Dis/1029/2006. of the District Collector, Kurnool dated 16.12.2006 |
| Ex.W2: | Photocopy of proceedings No.D.Dis(C.3) 1062/M/2004 of the District Collector, Kurnool dated 7.5.2005 |
| Ex.W3: | Photocopy of Status Quo orders dt. 16.12.2004 from Hon'ble Central Administrative Tribunal, Hyderabad |
| Ex.W4: | Photocopy of interim orders dt. 1.8.2005 in WPMIP No.21154 of 2005 in WP No.16637 |
| Ex.W5: | Photocopy of opinion of Rajasekhara Reddy, Asst. Solicitor Gen. of India, Hon'ble High Court, Hyderabad dt.2.11.2005 |
| Ex.W6: | Photocopy of Ir. Dt. 30.11.2005 form R3 to R2 |
| Ex.W7: | Photocopy of representation of WW1 and ors. Dt. 10.10.2006 to R1 |
| Ex.W8: | Photocopy of Ir. Dt.23.11.2006 from R2 to R3 |
| Ex.W9: | Photocopy of representation of WW1 & ors dt.23.11.2005 to R3 |



I/1524810/2023



सीमा शुल्क एवं केन्द्रीय कर के
मुख्य आयुक्त का कार्यालय, विशाखापट्टणम क्षेत्र
प्रथम तल, जीएसटी भवन, पत्तन क्षेत्र,
विशाखापट्टणम - 530035

Office of the Chief Commissioner,
Customs & Central Tax, Visakhapatnam Zone
1st Floor, GST Bhavan, Port Area,
Visakhapatnam - 530035

(P): 0891-2568837 (F) 0891-2561942

ccu-cexvzg@nic.in

सेवा में To,

//Through email//

Shri Polidasari Nagaraju,
H.No:40/706, Dharma Peta, Kurnool,
Andhra Pradesh,
Pin Code: 518004.
Email: KURNOOLPNAGARAJU@GMAIL.COM

महोदय/ Sir,

**Sub: Information sought under RTI Act 2005 – Application
filed by Shri Polidasari Nagaraju – Regarding**

Please refer to your online RTI application which was registered vide Registration No. CECVZ/R/E/23/00096 dated 02.11.2023.

2. As per Section 2(f) of the RTI Act, 2005, any material in any form, including records, documents, memos, e-mails, opinions etc. comes under the definition of “Information”. The details/information sought by you in the RTI application is a “grievance” and does not fall under the definition of “information” under Section 2(f) of the RTI Act, 2005 and there is no obligation under the said Act to answer the same.

However, your grievance is being forwarded to concerned Commissionerate for further necessary action.

3 . If you are not satisfied with this reply, you may file an appeal before the Appellate Authority within 30 days of receipt of this letter. The details of the Appellate Authority are furnished hereunder-

*Shri M. Sreekanth, Additional Commissioner,
Office of the Chief Commissioner of Customs & Central Tax,
GST Bhavan, Port Area, Visakhapatnam-530035.*

Signed by

Fredrick Anthony Cooper

Date: 07-11-2023 11:04:45 (Per: Fredrick Anthony Cooper)

केन्द्रीय लोक सूचना अधिकारी/CPIO

0891-2560793/2853124