

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.02.2026

PRONOUNCED ON : 06.03.2026

CORAM

**THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

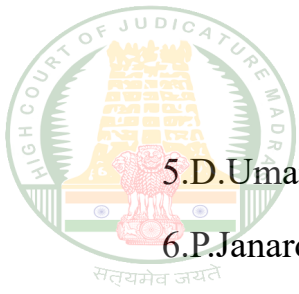
**WP No. 1390 of 2024
and
WMP No.1418 of 2024**

1. The Union of India
Represented By
The Director General of Posts,
Dak Bhavan, New Delhi.
- 2.The Chief Post Master General
Tamil Nadu Circle, Anna Salai,
Chennai-600002.
- 3.The Post Master General
Chennai City Region, Chennai-600002.
- 4.The Chief Post Master
Anna Road HPO, Chennai-600002.
- 5.The Deputy Chief Post Master
(Treasury)
Anna Road, Head Post office,
Chennai-600002.

Petitioner(s)

Vs.

1. D.Srinivasan
- 2.K.Sridhar
- 3.N.Sarangan
- 4.S.Ezhilarasan



5.D.Umangeswaran

6.P.Janardana

7.N.Ramakrishnan

8.A.Selvaraj

9.M.Mohan

10.M.Bujjaiah

11.N.Bhuvaneshwari

12.U.Hemalatha

13.G.Mary Francina

14.T.Vishwanathan

15.V.Prema

16.S.Sachidhanandhan

17.N.Logeeswaran

18.C.Ravikumar

19.G.Venkatesan

20.C.V.Janarthanan

21.G.Prabhakar

22.The Registrar,
The Central Administrative Tribunal,
Chennai Bench, Chennai- 104.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records pertaining to order dated 21.04.2023 passed in Original Application No.1304/2018 on the file of the 22nd respondent and quash the same.

For Petitioner(s): Mr.AR.L.Sundaresan, ASGI
assisted by Mr.A.R.Sakthivel

For Respondent(s): Mr.Karthik Raja

**ORDER**

(Order of the Court was made by C.V.Karthikeyan, J.)

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The respondents in OA No.1304 of 2018, on the file of the Central Administrative Tribunal, Chennai Bench, aggrieved by the order dated 21.04.2023, by which order, the Tribunal had directed extension of benefit of minimum of the pay in the pay scale attached to the post in which the applicants were working as outsiders (Casual Labourers) along with allowances attached to such post as was paid earlier. The Tribunal had further directed that the said exercise should be completed within a period of three months from the date of receipt of a certified copy of the order.

2.The respondents herein were working as outsiders engaged in short term vacancies in the post of postman and Group D posts. They had completed 20 years of service. They were paid salary along with DA in accordance with the Posts and Telegraphs Manual as well as the extant instructions of the Department of Posts.

3.The respondents had filed OA Nos.24 and 594 of 2011 seeking absorption in Group D vacancies by placing reliance on similar order passed by the Tribunal at Ernakulam Bench which order had been upheld by the High Court of Kerala. The said Original Applications were allowed by an order dated 22.06.2012 with a direction to absorb the respondents and others. A writ



petition had been filed questioning the said order and even during the pendency of the writ petition, the respondents were disengaged from service. However, subsequently, they were re-engaged but were paid lesser salary than what was paid to them previously, which was equal to the salary of regular Postman or Group D employees.

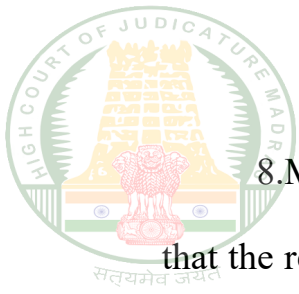
4. The respondents then filed OA No.238 of 2018 seeking equality in pay. By order dated 09.03.2018, the respondents were permitted to give further representation and a direction was issued to pass a speaking order on the said representation. The respondents submitted their representations. By orders dated 3rd / 5th of November 2018, the request of the respondents was rejected by stating that their employment was not covered under any contract or Statute and their services were utilised only on need basis as daily wages. It was contended that they were not subject to any Recruitment Rules and that temporary employees cannot claim parity in salary with regular employees in Government Institutions.

5. Challenging that rejection, the respondents had filed OA No.1304 of 2018, wherein orders were passed directing payment of equal salary to the respondents, challenging which order, the present writ petition had been filed.



6. Heard arguments advanced by Mr.AR.L.Sundaresan, learned Additional Solicitor General assisted by Mr.A.R.Sakthivel, learned Senior Standing Counsel for the petitioners and Mr.Karthik Raja, learned counsel for the respondents.

7. The learned Additional Solicitor General pointed out that the respondents were not regular employees who had been recruited under proper procedure. They were only need based employees whose services were availed when any employee absented himself or herself from duty. There were no rules governing their service. They cannot even be termed as temporary employees. They were not even contract employees. They were outsiders. They were called in to fill the vacancies arising out of leave taken by the regular employees. They were not employed on regular basis, but at irregular intervals. The learned Additional Solicitor General stated that for the work discharged by them, they were paid at the rates prescribed by the District Collector. They could be termed as short term/leave vacancies of Postman/MTS on need basis and engaged as outsiders. It was therefore contended that they cannot be paid regular pay as other employees of the Postal department. The learned Additional Solicitor General therefore urged that this Court should allow the writ petition and set aside the order of the Tribunal.



8. Mr. Karthik Raja, learned counsel for the respondents however argued that the respondents had been engaged continuously for more than 20 years and that they have satisfied all qualifications required under Recruitment Rules for regular appointment to the posts of Postman and Group D Posts. Their engagement as short term/casual labourers vacancies was continuous without any break. It was further contended that as per the letter of the first petitioner, the Director General of Posts, New Delhi, dated 17.05.1989, all persons working in the Postal department under different designations as Mazdoor, casual labourers, contingent staff, daily wages and outsiders are to be treated as casual labourers. It was further contended that the respondents were working for more than 8 hours a day continuously. They were paid salary in the pay scale attached to the post in which they were working. They were also paid Dearness Allowance in accordance with the proceedings of the second respondent, Chief Post Master General, Tamil Nadu Circle at Chennai, dated 27.04.2000. It was stated that the payment was also acknowledged by the first respondent, Director General of Posts, New Delhi, by their office memorandum, dated 22.01.2015.

9. The learned counsel further contended that the issue had been addressed by the Ernakulam Bench of the Tribunal which had directed that similarly placed employees should be absorbed in Group D services. It was pointed out that this direction was confirmed by a Division Bench of Kerala High Court.



The learned counsel pointed out that the respondents were disengaged from service under oral instructions of the fifth respondent, Deputy Chief Post Master (Treasury), Head Post Office, Anna Road, Chennai on 22.01.2016 based on the further instructions issued by the fourth respondent, Chief Post Master, Head Post Office, Anna Road, Chennai. The respondents had to issue legal notices and in December 2017, their wages were still reduced. It was further contended that it was under those circumstances that the respondents had approached the Tribunal seeking parity in pay with regular employees. The learned counsel contended that the order of the Tribunal should be upheld and does not warrant any interference.

10. We have carefully considered the arguments advanced and perused the material records.

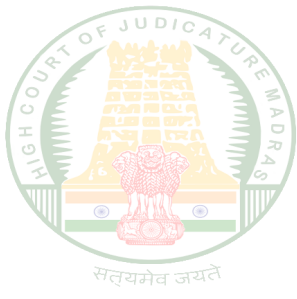
11. We take judicial notice of the statement made by the learned counsel for the respondents that the respondents are not seeking regularisation, but only parity in pay.

12. The averment that the respondents, though termed as outsiders were engaged at Anna Road, Head Post office at Chennai and utilised on need basis owing to short term leave vacancies of Postman/MTS and casual workers to clear the pendency of picking up letters from bulk customers, processing and



despatching letters are facts which are neither denied nor disputed. The respondents were neither Gramin/Dak Sevaks of the Department nor are they casual labourers. But however, the fact is that their services were engaged on a daily basis and they have been so engaged for the past 20 years. This is a fact which is neither denied nor disputed. It is however asserted by the learned Additional Solicitor General that they were not employed on a regular day to day basis, but only when leave vacancies arose which arose at irregular intervals. The respondents had occasion to approach the Tribunal earlier seeking absorption in Group D vacancies, placing reliance on the orders of the Ernakulam Bench of the Central Administrative Tribunal and subsequent orders of the High Court of Kerala. A direction was issued by the Tribunal in OA Nos.24 of 2011 and 594 of 2011. This was challenged before this Court and even during the pendency of the writ petition, the respondents were initially disengaged and later re-engaged. The issue then narrowed down to seeking equality of pay. The respondents claimed that they were paid the salary equivalent to the post in which they were working and were also paid Dearness Allowance. In this connection, reference could be made to communication dated 17.05.1989, issued by the Additional Director General (SPN), Delhi, wherein, it had been clarified as follows:

2.It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under



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different designations (mazdoor, casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part time casual labourers. All other designations should be discontinued.

3.Substitutes engaged against absentees should not be designated casual labourer. For purposes of rectt. to group 'D' posts, substitutes should be considered only when casual labourers are not available. That is, substitutes will rank last in priority, but will be above outsiders.

13.It is thus seen that though the petitioners claim that the respondents were engaged against absentees, the above communication reveals that those who are engaged against absentees are termed as “substitutes” and they were placed last in priority above “outsiders”, but however outsiders are to be treated as casual labourers. It is further seen that those Casual Labourers were engaged for a period of 8 hours a day were to be described as full time casual labourers and those who are engaged for a period of less than 8 hours a day should be described as part time labourers. It is the specific case of the respondents herein that they were engaged for 8 hours per day and that they are full time casual labourers. In this connection, further reference could be made to the



communication dated 27.04.2000, issued by the Principal Chief Postmaster General, Tamil Nadu Circle, regarding the remuneration payable to full time /part time casual labourers. In this communication it had been stated as follows:

2.As per Directorate's letter no.45/97/87/- SPB I dated 10/2/1988 issued in compliance to Hon'ble Supreme Court of India decision dated 27.10.87 in W.P.No.373/86-all the casual labourers engaged on casual basis are to be paid wages worked out on the basis of minimum of pay in the pay scale of regularly employed workers in the corresponding cadre w.e.f.5.2.1986 with DA & ADA on the minimum of pay scale. It has also been stated that the word "Casual Labourers" would cover full time casual labourers, part time casual labourers and workers engaged on contingency basis. Part time casual or contingency paid will be paid on pro-rata basis and for the purpose of payment, no distinction should be made whether the casual labourer and contingency paid staff are being paid wages or from office contingencies.

3.Also, all daily wagers working in PO & RMS offices, Administrative offices/PSDs/CSDs/MMS under different designations (mazdoors, Casual labourers, Contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as Casual labourers and all other designations should be



*discontinued in accordance with Directorate's letter
no.45-24/88-SBB I dated 17/5/89.*

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14.It is thus seen that the writ petitioners themselves have, in compliance of the directions of the orders of the Hon'ble Supreme Court of India, taken a decision that all casual labourers engaged on casual basis must be paid wages worked out on the basis of minimum of pay in the pay scale of regularly employed workers in the corresponding cadre with DA and ADA on minimum of pay scale. It was also clarified that mazdoor casual labourers, contingent paid staff, daily wagers, daily rated mazdoor and outsiders are to be treated as casual labourers. A conjoint reading of the entire communication would show that outsiders are to be treated as casual labourers and casual labourers are to be paid wages on the basis of minimum of pay scale of regularly employed workers in the corresponding cadre along with DA and ADA on minimum of pay scale.

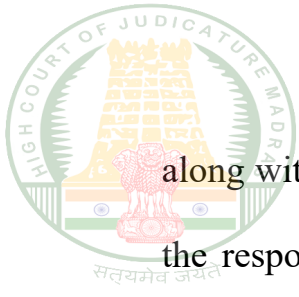
15.It is to be further noted that the petitioners had also provided an acquittance roll for the respondents giving details of the net pay granted to them. For all practical purposes, the respondents have been treated as regular employees. They were also paid House Rent Allowance/City Compensatory Allowance and this fact had been affirmed by the communication from the Chief Post Master, Anna Road, Head Post Office, dated 04.12.2012.



16. The learned Additional Solicitor General however pointed out that the respondents were employed only whenever need arose owing to the absence of the regular employees. But, the fact remains that the petitioners themselves had qualified outsiders as casual labourers and had directed that the casual labourers must be paid salary equivalent to the salary paid to the regular employees holding similar post. They were also entitled for the DA and ADA. Further communication reveal that even HRA/CCA were also paid to them. The acquittance roll had also been open and maintained for them. The claim before the Tribunal was to seek equivalence in pay.

17. It is also to be noted that by office note dated 14.12.2001, the respondents, who have been categorised as outsiders and who are to be treated as casual labourers are also entitled for a weekly paid off on Sundays at the rate of Group D employees. Even prior to their disengagement in the year 2015, the respondents were receiving minimum wages from the date of their joining in office along with allowances in accordance with instructions issued.

18. In view of the above facts, we hold that the directions issued by the Tribunal require no interference and must be complied with by the petitioners herein. The writ petition stands dismissed. The directions issued by the Tribunal to extend the benefit of minimum of the pay in the pay scale attached to the post in which the respondents are working as outsiders (casual labourers)



along with allowances attached to such post as was being paid earlier for which the respondents were entitled in accordance with the policy of the petitioners should be granted within a period of three months from this date. No costs.

Consequently, connected miscellaneous petition is also closed.

(C.V.K.J.,) (K.B.J.,)
06-03-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
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To

The Registrar
The Central Administrative Tribunal,
Chennai Bench, Chennai- 104.



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14/14

WP No. 1390 of 2



**C.V.KARTHIKEYAN, J.
AND
K.KUMARESH BABU, J.**

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**Pre-delivery order in
WP No. 1390 of 2024**

06-03-2026