

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No-4227/2014
MA No-3731/2014**

New Delhi, this the 23rd day of January, 2020



Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

Shri Vijay Kumar Thakur (Aged about 51 years)
s/o Sh. Sant Ram Thakur
R/o H-26, Laxmi Nagar Extn.
Garwali Mohalla, Delhi-92.

Presently working as
Electric Mistry CWC
Edition Branch Wing-5
West Block-2, Ground Floor
RK Puram, New Delhi-110066. ... Applicant

(through Ms. Jasvinder Kaur)

Versus

Union of India through

1. Secretary
Ministry of Water Resources
Sewa Bhawan, RK Puram, New Delhi-110066.
2. Director (Estt.-II)
Central Water Commission
Room No. 320, Seva Bhawan
RK Puram, New Delhi-110066.
3. Chief Engineer
Central Water Commission
Sewa Bhawan, RK/ Puram
New Delhi-110066. ... Respondents

(through Sh. S.M. Zulfiqar Alam)

ORDER(ORAL)**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman**

The applicant joined the service of the Central Water Commission (CWC) as Electrician on work charged basis, in the year 1985. The post carried the pay scale of 260-350. In the year 1998, that very post was advertised for regular appointment. The applicant responded and was selected and appointed on 30.10.1998. The pay scale attached to the post was 4000-6000.

2. The applicant submitted a representation on 30.07.2014 with a prayer to extend him the same benefit of service, from 1985 onwards. According to him, the nature of duties for the post of Electrician on work charge basis and Electrician on regular basis, were similar. It is also stated that the respondents have insisted on the submission of technical resignation, when he was selected on regular basis and in that view of the matter, there was no justification for the respondents in ignoring the service rendered by him between 1985-1998. The representation was rejected by the respondents through an order dated 10.09.2014. This OA is filed challenging the said order. The applicant has also prayed for direction to the respondents to

grant him pay scale of 330-400, as per the recruitment rules of 1981, implemented by the respondents for the establishment, on the basis of equal pay for equal work. Consequential reliefs are also prayed for, apart from interest on the arrears. The applicant retired from service during the pendency of this OA.



3. The respondents filed counter affidavit opposing the OA. It is stated that the nature of duties, method of appointment and other service conditions are substantially different for the post of Electrician on work charged basis, compared to the one, appointed on regular basis. It is stated that obviously, by taking note of the difference between the two, the applicant preferred to be appointed on regular basis and, he cannot come forward with a plea that, both the categories of posts are one and the same.

4. We heard Ms. Jasvinder Kaur, learned counsel for the applicant and Sh. S.M. Zulfiqar Alam, learned counsel for the respondents.



5. It appears that the pay scale for the post of Electrician in the year 1985 was 370-400 as per the Recruitment Rules of 1981. The applicant was appointed on work charge basis as an Electrician in the pay scale of 260-350. If he had any objection about it, he was expected to pursue the remedies, or to protest. He continued in that pay scale and corresponding enhancements, till he was appointed on regular basis on 30.10.1998. The applicant has also stated that in the context of extending the benefit of ACP/MACP, the service rendered by him, on work charge basis was not taken into account. At least, that would have been an occasion for him to seek remedy in the form of a direction, to treat his earlier service, on regular basis, irrespective of the outcome thereof. Having not taken steps, at that stage, the applicant cannot now claim the relief, in respect of service rendered by him in 1985-1998, which admittedly, was on work charge basis.

6. It hardly needs any mention that, the service conditions for appointment of an individual, to a post on work charge basis on the one hand, and regular basis on the other, are substantially

different. We do not find any merit in the OA and accordingly, the same is dismissed.

Pending MA, if any, shall also stand disposed of.

There shall be no order as to costs.



(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/