

Central Administrative Tribunal  
Principal Bench

O.A. No. 199 of 2001

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New Delhi, dated this the 3<sup>rd</sup> April, 2002.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)  
HON'BLE MR. SHANKER RAJU, MEMBER (J)

Jugal Prasad,  
S/o Sh. Satya Dev Prasad,  
R/o 541, Krishna Nagar Begu,  
Ghaziabad (UP) ..Applicant.  
(By Advocate: Shri U. Srivastava)

Versus

1. Union of India  
through  
The Principal Director of Audit,  
Northern Railway,  
Baroda House,  
New Delhi.
2. The Senior Audit Officer (G)  
Northern Railway,  
Baroda House,  
New Delhi. .. Respondents.  
(By Advocate: Shri Madhav Panikar)

ORDER

S.R. ADIGE, VC (A)

Applicant impugns respondents' order dated 14.11.2000 (Annexure -A/1) and seeks a direction to respondents to pay him the salary of Despatch Clerk for the period 7.1.98 to 6.9.2000 during which period he asserts he performed the duties of Despatch Clerk.

2. Heard.

3. Applicant who commenced service as Peon on 21.9.82 was promoted as Senior Peon, and was further promoted to officiate as Record Keeper w.e.f. 5.1.98 and was posted in General Section in Office of Respondent No.1 on 5.1.98 (Annexure R-1). Applicant contends that due to non-availability of sufficient work of Record. Keeper in General Section, his

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services were utilised as Despatch Clerk in Despatch Section upto 6.9.2000, till his services were transferred to DLI Dn w.e.f. 5.9.2000 (Annexure A/3). In this connection he relies upon respondents' letter dated 29.8.2000 (Annexure A/2) which states that there were two sanctioned posts of Record Keeper in General Section, one of which was held by applicant and the other by Shri Laxmi Chand, but due to lack of sufficient work, the services of Shri Laxmi Chand were being used for the work of Record Keeper, while applicant's services were being used in Despatch Section of R & D but as he had refused to work in Despatch Section for the last few days, one post of Record Keeper was being surrendered.

4. Applicant contends that he was discharging the duties of Despatch Clerk, which is a Group "C" post for the aforesaid period 7.1.98 to 6.9.2000 and relies upon the duty list of Despatch Clerks (Annexure A/5), a copy of which was endorsed to him, and which bears his signature. In that duty list he is however shown as Record Keeper and not as Despatch Clerk. In this connection respondents have enclosed a copy of their letter dated 10.2.84 (Annexure R-7), in which the duties of Record ~~Section~~ <sup>Sortery</sup> (a Group "D" post) which has subsequently been redesignated as Record Keeper, have been listed, which also includes receipt and despatch of dak.

5. We have considered the matter carefully.

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6. To claim successfully the pay and allowances of Despatch Clerk for the period 7.1.98 to 6.9.2000 applicant has to show us some document posting him as Despatch Clerk which is a Group "C" category post. Respondents have stated in para 4.4 of their reply that there is no post of despatch clerk in the organisational hierarchy, and this assertion has not been denied by applicant in the corresponding paragraph of his rejoinder. Applicant cannot be paid the salary and allowances of a post which does not exist in respondents' aforementioned hierarchy.

7. That apart it is clear that applicant is advancing this claim on the strength of the fact that for the relevant period he was entrusted with the receipt and despatch of dak but respondents orders dated 10.2.84 (Annexure R-7) and dated 10.10.84 (Annexure R-2) reveal that receiving and despatch of dak; tracing and upkeep of old records; receipt of articles in stationery section, pasting of correction slips etc. are squarely the duty and responsibility of Record Keepers to which post applicant was admittedly promoted.

8. In this view of the matter the Hon'ble Supreme Court's ruling in Selvaraj Vs. LG of Island Port Blair & Ors. JT 1998 (4) SC 500 does not advance applicant's claim and the OA warrants no interference. It is dismissed. No costs.

S. Raju

(Shanker Raju)  
Member (J)

S.R. Adige

(S.R. Adige)  
Vice Chairman (A)

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