

Central Administrative Tribunal, Principal Bench

O.A. 1390/1999

New Delhi, this the 14th day of November, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mr. M.P. Singh, Member (A)

Shri Ashok Kumar,
Discharging duties of Clerk
In Delhi Central Division-3
CPWD, IP Bhawan, New Delhi

....Applicant

(By Advocate: Shri S.M.Garg)

Versus

1. Central Public Works Department
Through its Director General(Works)
Nirman Bhawan, New Delhi-1

2. The Executive Engineer,
Delhi Central Division-3
CPWD, IP Bhawan,
New Delhi

....Respondents

(By Advocate: Shri V.S.R.Krishna)

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

In this OA, the applicant who is a regularly appointed peon in the office of respondents, has prayed for the following reliefs:-

- "(a) call for the records of the case;
- (b) pass an order directing the respondents to pay to the applicant salary for the post of clerk, the duties of which he has been discharging with effect from the year 1993 onwards and also pay the arrears of such salary; and
- (c) pass an order directing the respondents to regularise the services of the applicant as Clerk as was directed by this Hon'ble Court in judgement and order dated 5.5.98 in O.A.No.712/91 and 2183/99 and pay all consequential benefits on such regularisation."

2. The case of the applicant is that he had been regularly doing the work of Hindi typing, diary and

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despatch since 1993 and as such, he is entitled to the pay and salary attached to the post of clerk.

3. Respondents have stated in their reply that applicant was appointed as Peon w.e.f. 19.8.92 and had been assigned the work of distribution of dak amongst various offices. They have submitted that there is nothing on record to show that he was ever asked to do the work of Hindi typist. As such, he is neither entitled to the pay and salary of the post of clerk nor for regularisation because there are separate rules and regulations for appointment to the post of clerk.

4. We have heard learned counsel for the parties and gone through the records.

5. Learned counsel for the applicant has drawn our attention to the documents at pages 24 to 35 of the paper book to show that certain Hindi typing work was being done by the applicant. However, he has not been able to show any order vide which he had ever been asked to perform the duties of Hindi typist.

6. Shri Krishna states that for the journey performed by applicant in connection with distribution of Dak, he had been regularly claiming the conveyance charges. Thus from his own claims of conveyance charges, it stands proved that he had been performing the duties of peon/Dak messenger and not of a typist/clerk.

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7. In view of the facts and circumstances of the case, we are of the opinion that this case is devoid of merit as the applicant has not been able to prove that he was doing the job of Hindi Typist in pursuance of any specific order passed by respondents. The O.A. is, therefore, dismissed. No costs.

m/s
(M. P. Singh)
Member (A)

kuldip
(Kuldeep Singh)
Member (J)

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