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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1738/98

New Delhi: this the 9th day of February, 2001

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Janak Singh,
S/o Shri Vacha Ram,
Care Taker/Watching Khalasi,
Assistant Engineer's Office,
Northern Railway,
Kashmiri Gate,
Delhi

.....Applicant.

(By Advocate : Shri P. S. Mahendru)

Versus

1. Union of India
through
the General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Assistant Personnel Officer (C),
Northern Railway,
Kashmiri Gate,
Delhi-6
3. The Asstt. Engineer/Works/General,
Northern Railway,
Kashmiri Gate,
Delhi-6
4. The Divisional Engineer (Works),
Northern Railway,
Hapur.

(By Advocate: Shri P. M. Ahlawat)

ORDER

S. R. Adige, VC (A):

Applicant impugns respondents' letter dated 6.8.98 (Annexure-A-1) and dated 18.7.98 (Annex.A-1 Colly) and seeks the salary of the post of Care Taker (Rs. 950-1500) against which he claims to have worked with effect from one year prior to the filing of the OA on 2.9.98. He also challenges respondents' order dated 12.8.98 transferring him to a lower post.

2. As per applicant's averments, he was appointed as Khallasi on 17.1.86 and was designated as Watching Khallasi with effect from 8.8.87. He was granted temporary status w.e.f. 11.10.87. On 15.4.90 he was transferred from Jagadhri Workshop to Office of Works/ Inspector (G) Kashmere Gate as Watching Khallasi (Rs.750-940), and he claims that from 15.4.90 he has been performing the duties of Care Taker in the Rest House.

3. Respondents deny that applicant was ever posted as Care Taker, or that there is a post of Care Taker in Construction Organisation. They also state that there are 36 persons senior to applicant who have a superior claim to appointment as Care Taker if and when such a post becomes available.

4. Heard both sides.

5. Applicant has not shown us any orders appointing him as Care Taker or entrusting him with the duties of caretaker. If as applicant contends he has been performing the duties of Care Taker since 15.4.90, he has not satisfactorily explained why in rejoinder he has not specifically denied the contents of para 4 of respondents' reply in which applicant's application dated 30.11.95 has been referred to, in para 1 of which he has stated that at present he was working as a Watching Khallasi since 14.4.90 in Rest House, Kashmere Gate, Delhi.

6. In view of the above, we find ourselves unable to intervene in the matter.

7. The OA is dismissed. No costs.

A. Veda Valli
(DR. A. VEDAVALLI)
MEMBER (J)

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)