

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

DA No. 462/98

9

New Delhi: this the 28th day of September, 2000.

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

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

Narendra Vallabh,

S/o Shri Ram Chand,

Working as Semi-Skilled Hammerman under

Chief Cash Witness,

Northern Railway,

Delhi

.....Applicant.

(By Advocate: Shri S.K. Sawhney)

Versus

Union of India
through

General Manager,
Northern Railway,

Baroda House,

New Delhi.

.....Respondents.

(By Advocate: Shri R.P. Agarwal)

ORDER

Mr. S.R. Adige, VC (A)

Applicant seeks the pay scale of skilled Hammerman and consideration for promotion to the post of Blacksmith or alternatively fixation of his lien with any other allied post in another branch.

2. Admittedly applicant who was engaged as a temporary Khallasi w.e.f. 6.1.75, was appointed as Hammerman (Rs. 210-290) on adhoc basis w.e.f. 1.4.86, and was subsequently regularised as Hammerman upon clearing the trade test vide Notice dated 19.2.87 and 20.2.87 (Annexure-R-1 and R-II).

3. Respondents do not deny that meanwhile w.e.f. 1.1.82 vide PS No. 8203 posts in semi skilled category in the pay scale of Rs. 210-290, were redesignated as skilled category posts in the pay scale of Rs. 260-400;

10

In this connection our attention has been invited to Railway Board's letter dated 13.11.82 (copy on record). At Sl.No.22 of the list appended with that letter, the post of Hammerman which was in semi-skilled category has been redesignated as skilled category.

4. When respondents themselves admit that by PS No.8203, which has general applicability, posts in semi-skilled category in the pay scale of Rs.210-290 were redesignated as skilled category posts in pay scale of Rs.260-400 w.e.f. 1.1.82, no satisfactory explanation is forthcoming from them why they have denied applicant the scale of Rs.260-400 as Hammerman (skilled) w.e.f. 1.4.86. Respondents in para 4.4 of their reply appear to have denied applicant the scale of Rs.260-400, because according to them the post of Hammerman was in CCW, in the scale of Rs.800-1150/- (corresponding to Rs.210-290) and applicant was promoted against that post. Nothing in P.S.No.8203 or in Railway Board's letter dated 13.11.82 excluded the post of Hammerman in CCW which was semi-skilled from redesignation as skilled category, and no rule or instruction has been shown to us by respondents during hearing, requiring applicant to undergo any further test before being redesignated as Hammer Man (skilled) in the pay scale of Rs.260-400 w.e.f. 1.4.86.

5. This OA therefore succeeds and is allowed. Respondents are directed to redesignate applicant as skilled category and fix his pay in the scale of Rs.260-400 w.e.f. 1.4.86. Consequent to his placement in skilled category w.e.f. 1.4.86, respondents should consider him for promotion to higher posts in

2

(11)

accordance with rules and instructions. Arrears of pay and allowances consequent to applicant's redesignation in skilled category and refixation of his pay in scale of Rs. 260-400 w.e.f. 1.4.86 and benefit of subsequent pay revisions should be paid by respondents to applicant with interest @ 12% p.a. w.e.f. 1.4.86 till the date of actual payment and costs of Rs. 2000/-. These directions should be implemented within 3 months from the date of receipt of a copy of this order.

A. Vedavalli
(DR. A. VEDAVALLI)
MEMBER (J)

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

/ug/