

Central Administrative Tribunal
principal Bench: New Delhi

O.A. No. 1158/2000

New Delhi this the 2nd day of July, 2001

Hon'ble Mr. V.K. Majotra, Member (A)
Hon'ble Mr. Shanker Raju, Member (J)

1. Pari Ram S/o Jagan
2. Mohan Singh S/o Babu Ram
3. Hira Lal S/o Bhagoli
4. Matadin S/o Gajadhar
5. Babu Lal S/o Ramu
6. Babu Lal S/o Kandhai
7. Sudarshan Singh S/o kailash Chand
8. Des Raj S/o Sukhdev

(All are working as Valveman under Sr. Divisional
Engineer Works, Northern Railway, Delhi Division,
New Delhi).

(By Advocate: Shri A.K. Bhardwaj)

-Applicants

Versus

1. Union of India
Through:-
The General Manager,
Northern Railway, Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
DRM Office, Paharganj,
(DRM Office), New Delhi.
3. The D.S.E./III
Northern Railway,
Delhi Division, New Delhi.
4. A.D.R.M. (Tech.)
Northern Railway, Delhi Division
DRM Office, New Delhi.
5. The Sr. Section Engineer,
(Works), Northern Railway,
Delhi Division, New Delhi.
6. The Assistant Engineer,
Northern Railway, Delhi Division,
New Delhi.

-Respondents

(By Advocate: Shri R.P. Aggarwal)

ORDER (Oral)

By Hon'ble Mr. V. K. Majotra, Member (A)

(12)

As the facts and reliefs claimed by the applicants identical, MA-1442/2000 for joining together is allowed.

2. The short grievance of the applicants made in this OA is that the services of applicants, who are Khalasis, are being utilised as Valveman. However they are being paid salary of Khalasis and not Valveman. Though a proposal for creation of the posts of Valveman had been made and an exercise was undertaken at various levels towards collection of facts, decision for creation of these posts has yet not been taken. As a consequence, though applicants' services are being utilised for the post of Valveman, they are continued to be paid salary on the post of Khalasis. The applicants have sought that respondents should be directed to regularise/absorb them on the post of Valveman and pay them salary in the pay scale of Rs. 950-1500 (Pre-revised) since when their services have been utilised as valveman.

3. We have perused the respective pleadings of the parties and also heard the learned counsel of both sides. Shri A.K. Bhardwaj, learned counsel of the applicants drew our attention to various Annexures filed by the applicants and particularly Annexure A-5 dated 5.12.97 written by the Section Engineer (W), New Delhi with reference to AEN/NDLS letter dated 9.10.97 in which a recommendation has been made for creation of posts of Valveman by surrendering matching number of Khalasis and also furnishing information of Khalasis who have been working as Valve Khalasis. The names of all the applicants and the dates of their appointment as Khalasis find mention in this

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Annexure. Vide Annexure A-6 dated Feb,98 the Assistant Engineer, Northern Railway has stated that at present the total number of Valves being operated in New Delhi yards are 130. These water valves are being operated by the Khalasis working with S.E. Northern Railway, New Delhi. The duties of Valveman are of semi-skilled nature and have higher responsibility than the Khalasis. Eventually, a recommendation has been made for a requirement of 13 Nos. of valveman under S.E/W/NDLS and surrender of 14 Nos. of Khalasis. The learned counsel also contended that the respondents have not denied the averments made by the applicants regarding utilisation of services of Khalasis on the post of Valveman since the dates of their appointment in the Department as Khalasis.

4. Shri R.P. Aggarwal, appearing on behalf of the respondents contended that there are no posts of Valveman in the sub-division in question and that as per the reply of the respondents the Pump Engine drivers of Electric department and not the applicants have been operating the valves. He also mentioned that the applicants have not furnished the dates since when their services have been utilised as Valveman.

5. We find that the applicants have made an averment that they have been working as Valveman since the date of appointment as Khalasis. However, they have been paid salary as Khalasis only. We find from the counter reply of the respondents that this averment of the applicants has not been specifically denied. The respondents have only stated that the work relating to operation of valves is being entrusted to pump Engine driver of Electric department. This reply indicates that the pump Engine drivers of Electric department would be allocated the work of operating valves in future as if

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heitherto the applicants (Khalasis) have been discharging the functions of valvemen. We also find that particulars contained in Annexure A-5 dated 5.12.97 have not been controverted by the respondents. In this view of the matter, we have no hesitation in finding that the applicants whose dates of appointment have been given in Annexure A-5 have been functioning as valve khlasis atleast since 5.12.97. Although the process of creation of posts for valveman had been initiated, the posts of valveman have not been created till now. However, as established above, the applicants have been functioning as valveman atleast since 5.12.97 but not paid the salary of valveman.

6. Having regard to the above discussion and reasons, we find merit in the OA and direct the respondents to pay the applicants in the pay scale of Rs.950-1500 (pre-revised) with arrears since 5.12.97 and also take a decision in the matter of creation of an adequate number of posts of Valveman. The respondents are further directed to comply with the above directions within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

V.K.Majotra
(V.K. Majotra)
Member (A)

cc.