

(19)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1185/2000

Wednesday, this the 13th day of March, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Mange Ram
S/O Shri Dula Ram
Storeman, Office of the Deputy Chief
Engineer (Const.)
Northern Railway, Patel Nagar
New 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 Chief Administrative Officer (Const.)
Northern Railway
Kashmere Gate
Delhi

..Respondents

(By Advocate: Shri H.K.Gangwani)

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi, Member (A):

By respondents' letter of 18/21.1.2000 (A-1), the applicant has been re-designated as Senior Gangman. Earlier, he was given the designation of Storeman. This change in designation has given rise to the present OA, despite the fact that both the posts carry the same pay scale of Rs.2650-4000/-. As to why the aforesaid change in designation will adversely affect the service prospects of the applicant has not ~~been~~ been revealed in the present OA. All that has been submitted before us by the learned counsel appearing on behalf of the applicant is that since Storemen working under the Chief Engineer (Bridges), Northern Railway had been regularised.

2

(2)

and granted the higher pay scale of Rs.3050-4590/, the same benefit could be extended to the applicant as well.

3. The learned counsel appearing on behalf of the respondents disputes the claim made by drawing our attention to the facts and the circumstances of the present case revealed in the counter reply filed on behalf of the respondents. It appears that the applicant initially engaged as Khallasi in July, 1976 kept on working with the respondents with breaks and in due course, he was screened as Gangman and placed on the provisional panel in terms of respondents' letter dated 8.8.1983. Accordingly, the applicant held his lien under the AEN(C)/1/Bikaner. The applicant subsequently joined the Construction Organization in terms of respondents' letter of 29.10.1983 and was posted as Gangman in the pay grade of Rs.200-250/-. He was utilized as a Storeman in the grade of Rs.210-710/- on purely temporary and ad hoc basis w.e.f. 19.9.1984. Temporary status as Storeman was, however, not conferred on him. Later, he was further utilized as MCC w.e.f. 30.11.1990 again on a local temporary and ad hoc basis in terms of respondents' letter of the same date. The applicant was reverted again as Storeman in the pay grade of Rs.800-1150/- w.e.f. 14.3.1992 in terms of respondents' notice dated 6.3.1992. He was granted the benefit of 70% upgradation as Senior Gangman and was placed in the pay grade of Rs.2650-4000/- w.e.f. 1.8.1991 by respondents' letter dated 11.5.1992.

4. It is clear from the above position that the applicant was never promoted to the post of Storeman and


(3)

21

was never appointed as Storeman on regular basis. The learned counsel appearing on behalf of the applicant has not placed before us any order passed by the respondent-authority placing Storemen in the higher pay grade applicable to the Material Clerks. The allegation made in paragraph 4.9 of the OA to the effect that Storemen working under the Chief Engineer (Bridges), Northern Railway had been regularised and granted the higher pay scale of Rs.3050-4590/- applicable to Material Clerks is sought to be met by the respondents by contending that a certain Unit had, by mistake, granted the aforesaid higher pay grade to Storemen. Such a mistake, whenever committed, can be rectified by the respondents on their own. Mere commission of such a mistake in a certain case cannot confer a right on the applicant to be placed similarly in the aforesaid higher grade. In view of this, according to the learned counsel appearing on behalf of the respondents, the applicant has no case and the OA deserves to be dismissed.

5. We have considered the submissions made and find that no case is made out in favour of the applicant. Accordingly, the OA fails and is dismissed without any order as to costs.


(S.A.T. Rizvi)
Member (A)


(Ashok Agarwal)
Chairman

/sunil/