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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A. No.61/89.

Eighth day of February, 1994.

SHRI J.P.SHARMA, MEMBER(J).
SHRI B.K.SINGH, MEMBER(A).

Shri Har Lal,
son of late Shri Narain Dass,
Aged 42 years, working as
Mason IIInd Class, Muster Roll,
Ferozeshah Road, New Delhi,
in the office of Executive Engineer
of Central Public Works Department,
New Delhi,
resident of 6381, Block No.7, Gali No.3,
Dev Nagar, Karol Bagh, New Delhi-110005. ...Applicant
By advocate : None.

Versus

1. Union of India through its Secretary,
Ministry of Works & Housing, Nirman Bhawan,
New Delhi.
2. The Chief Engineer, Central Public
Works Department, Nirman Bhawan,
New Delhi. ...Respondents
By advocate : Smt. Raj Kumari Chopra.

ORDER (ORAL)

SHRI J.P.SHARMA :

The applicant was employed as Mason IIInd Class on Muster Roll in the year 1971. His father was also in the service as Mason with the respondent no.2, CPWD but he died in the year 1972. He was given compassionate appointment against a regular post of ^{Le} ~~Mason~~ Beldar. However, he was issued the letter of appointment for the post of Beldar in the scale of Rs.196-232 revised to Rs.750-940. The pay scale of Mason is Rs.200-250 revised to Rs.775-1025. The grievance of the applicant is that though he has been performing

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the work of a Mason, but he has not been paid his salary of the post. He made a representation to the respondents in August 87, and when no reply was received, he filed the present application and prayed for the grant of the reliefs that it be declared that the applicant is entitled to draw the salary of Mason in the pay scale of Rs.200-250 revised to Rs.775-1025 and a direction be issued to the respondents to fix the salary of the applicant in the grade of Rs.200-250 w.e.f.1-1-73 and in the revised pay scale of Rs.775-1025 w.e.f.1-1-1986.

2. The respondents filed the reply and took the objection that the application is barred by limitation. The applicant was appointed to the post of Beldar by the offer of appointment dated 15-4-1974 and he accepted the offer under signature by the letter dated 10-4-1974. He has worked as a IIInd Class Mason for six months from January 1973 and he was paid accordingly. There are three types of labour in the department - unskilled, i.e., Beldar, ^{Mason} semi-skilled and skilled, i.e., Assistant comes under the category of semi-skilled. The applicant has been paid the wages for the post he was appointed. He was never given an assurance for appointment as Mason. Thus, the applicant has no case.

3. None appears for the applicant. Mrs. Raj Kumari Chopra appears for the respondents and assisted us in going through the records and place the case of the respondents. It is argued that the applicant

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passed the trade test on 11-6-81 and his name has been included in the list of qualified candidates at the appropriate place. As soon as his turn will come, he will be promoted. The Beldars having 3 years' experience and after passing the departmental trade test are placed in the list strictly in accordance with their seniority. They are first promoted to the grade of Assistant Mason and after 5 years, they become eligible for Mason for which they have to qualify the departmental trade test. Though the letter of acceptance for the post of Beldar is under the signature of the applicant but in the rejoinder it is stated that the applicant has only knowledge of Hindi. However, the acceptance made for the post of Beldar is conclusive and final and applicant cannot take the stand that he did not understand the contents of the letter he signed.

4. The applicant has also filed certain certificates issued by certain contractor Ramji Lal and another by Member of the Parliament regarding his good character. These will not give him any right to claim the wages for the post of Mason which has to be filled up according to the extant rules. The applicant has not placed on record any letter of his appointment as a Mason. His initial entry to the service has been as an unskilled labour, i.e., Beldar. Merely because he has assisted in the work of Mason would not by itself enforce his claim for payment of the wages of the post of Mason. There is no arbitrariness or discrimination against the applicant by the respondents. He has been paid for the post he was appointed.

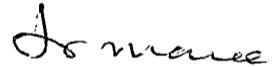
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5. Basically, a Beldar and Mason almost perform the same functions excepting that Mason is a skilled labour. A labour employed as Mason has also to do certain work which in the opinion of the applicant may be taken into the work to be done by the Mason. But the quality of the work given by the Mason cannot be equated with the work performed by unskilled Mason.

6. The application, though filed beyond limitation, but we have considered the ~~things~~ ^{the case} on merits also as the applicant has also claimed the wages of the post of Mason in the revised scale from 1-1-86.

7. In view of the above facts and circumstances, we find no merit in the case and the same is dismissed. No costs.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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