

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1782/87
T.A. No.

199

DATE OF DECISION 20.07.1990.

<u>Shri Hari Ram</u>	Petitioner
<u>Shri D.N. Goburdhan</u>	Advocate for the Petitioner(s)
Versus	
<u>U.O.I. through The Secretary, Min. of Railways & Others</u>	Respondent
<u>Shri S.N. Sikka</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. D.K. CHAKRAVORTY, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. D.K.
Chakravorty, Administrative Member)

The applicant, who has worked as Wireman in the office of the respondents filed this application under Section 19 of the Administrative Tribunals Act, 1985, praying for the following reliefs:-

- (i) conferment of temporary status in the scale of Rs.260-400 from 1.1.1981 till 31.11.1986;
- (ii) fixation of pay at Rs.1070/- as in the case of other similarly situated employees and payment of arrears from 1.1.1981;
- (iii) appointment on regular basis in Grade III post; and
- (iv) to reckon his seniority in Class III post from the date of initial promotion to the post of Wireman from 5.9.1981.

2. The facts of the case in brief are as follows. The applicant was initially appointed in 1969 as a Khalasi in the office of respondent No.3 (Deputy Chief Project Manager, Electric Division, Northern Railway) on daily wages of Rs.3/-. He was promoted to the post of Wireman (Grade III post) on 5.9.1981 in the scale of pay of Rs.260-400. He has stated that he has been medically examined by the Board and has been found fit and suitable to hold the post. However, the respondents reverted him arbitrarily to the post of Khalasi on 1.2.1985. The post of Khalasi carries a pay scale of Rs.196/- only. He was again promoted on 1.12.1986 as Wireman. He has alleged that similarly situated employees junior to him were not so reverted but were given temporary status and benefits from 1.1.1984 in the post of Wireman. He has also not been given his due seniority in the post of Wireman.

3. The applicant has been given all the benefits in Class IV category of Khalasi from 1.2.1985 and in the Wireman grade from 1.2.1986. He claims the benefits in the post of Wireman from 1.1.1981 to 30.11.1986.

4. The respondents have stated in their counter-affidavit that the applicant joined the Northern Railway on 21.8.1984 as casual Wireman in the grade of Rs.260-400 on his transfer from Chief Telecommunication Inspector/MTP(R), Delhi and that he was given temporary status in skilled category with effect from 1.1.1984. He belong to the

category of project casual labourer. He was given temporary status to the post of Khalasi w.e.f. 1.1.1981, taking into account his period of service as casual Khalasi in the unskilled category since his initial appointment on 15.8.1969. After conferment of temporary status in unskilled category, he was called for trade test for Wireman in the grade of Rs.260-400. According to the respondents, he refused to receive the call letter and did not attend the trade test. When fresh applications were again called for, the applicant applied for trade test vide his application dated 22.8.1986. He appeared in the trade test held on 15.10.1986 and was declared as suitable vide order dated 24.11.1986, page 64 of the Paper Book. Thereafter, he was promoted to the temporary status of Wireman. The respondents have contended that the question of payment to him of arrears did not arise as he did not appear in the earlier trade test on 9.5.1986 and had refused to receive the call letter for the same.

5. We have gone through the records of the case carefully and have considered the rival contentions. The respondents have produced documentary evidence of conferment on the applicant, the temporary status of Khalasi with effect from 1.1.1981 after he has completed 360 days of service as casual labourer employed in the project. They have also produced the copy of the letter of the applicant dated 22.8.1986 regretting his

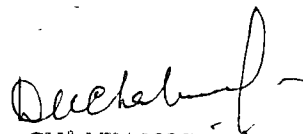
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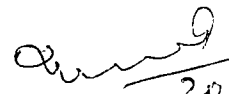
mistake of not appearing in the trade test which was held on 9.5.1986 and agreeing to undergo the trade test held on 15.10.1986. The applicant has not produced any evidence to substantiate his claim that he is entitled to the benefits of temporary Railway servant in the scale of Rs.260-400 (Grade III post) without qualifying himself in the trade test.

6. In the facts and circumstances of the case, we see no merit in the present application and the same is dismissed.

The parties will bear their own costs.


(D.K. CHAKRAVORTY)
MEMBER (A)

20/7/1990


(P.K. KARTHA)
VICE CHAIRMAN (J)