

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.



O.A. No. 1886/1991 .. Date of decision: 22.7.1992.
Sh. R.S. Choudhary .. Applicant
Shri P.C. Jain .. Counsel for the applicant
Versus
U.O.I. .. Respondents
Sh. G.N. Trishal .. Counsel for the respondents.

CORAM

Hon'ble Sh. P.K. Kartha, Vice Chairman (J)

Hon'ble Sh. B.N. Dhoundiyal, Member (A)

1. Whether the Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporters or not ? *Yes*

J U D G E M E N T

(Of the Bench delivered by Hon'ble Sh.B.N.Dhoundiyal,
Member (A))

This O.A. has been filed by Shri Ram Singh Choudhary, an employee in C.P.W.D. at Mix Hot Plant No.II, Delhi, under Section 19 of the Central Administrative Tribunals Act, 1985 against his being designated and paid as 'Khalasi' while he is made to work as Tar Boiler Operator.

2. According to the applicant, he served as Tar Boiler Operator from 1.7.1977 to 15.6.78 and after a break rejoined his duties on 1.2.1982. He has been regularly working in that capacity. However, the respondents have given him the designation of a muster roll Khalasi on daily wages. His juniors have been promoted as Tar Boiler Operators. His Numerous representations to the authorities have not borne fruit.

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He has prayed for direction being issued to respondents to change his designation from Khalasi to that of Tar Boiler Operator w.e.f. 1.2.1982 and payment of arrears with 12% interest.

3. The respondents have admitted that the applicant was employed on daily wages basis as a Beldar from 1.7.1977. He left the job on his own on 26.6.1978 and was re-employed w.e.f. 1.2.1982. The applicant actually worked as KHALASI, was paid as such and was put on Muster Roll as Khalasi. They have denied that there was any discrepancy between the actual performance of his duties, and his designation or that one ^{of} his juniors was promoted as Tar Boiler Operator.

4. We have gone through the records of the case and heard the learned counsel for the parties. The learned counsel for the applicant has placed reliance on the Judgement of the Supreme Court in case of Surinder Singh and another Vs. The Engineer-in-Chief, CPWD and others (AIR 1986 SC 584) wherein it was held that the doctrine of 'Equal pay for Equal work' should be applied to persons employed on a daily wage basis and they are entitled to same wages as that of regular employees. However, in pursuance of this, a scheme for regularisation has already been prepared by the Department and all eligible Muster Roll Workers are being regularised as per their seniority. Any question of promotion will arise only after such regularisation and in accordance with the prevailing rules.

5. On the day of final hearing, the applicant filed an M.P. requesting for appointment of a Commissioner to evaluate the actual work done by him. However, in view of the categorical denial on oath by the respondents, we do not think that appointment of such a Commissioner is warranted in the instant case.

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6. In the facts and circumstances of the case,
we find no merit in the application and dismiss
the same.

The parties will bear their own cost.

B.N. Dhoundiyal
(B.N. Dhoundiyal) 24/7/92

Member (A)

P.K. Kartha
24/7/92
(P.K. Kartha)

Vice Chairman (J)