

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1032 of 1993

New Delhi, this the 12th day of March, 1999

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE SHRI N.SAHU, MEMBER (A)

1. Sushil Kumar, Shri Bhagwat Prasad, AC Khallasi, NDLS, 18, Kailash Nagar, Ghaziabad (U.P.).
2. Gurbax Singh, S/o Balwant Singh, A.C. Khallasi, NLS. 37/C-2, Railway Colony, Punjabi Bagh, New Delhi.
3. Satish Kumar, S/o Om Prakash, A.C. Khallasi, NDLS. A 780, Dabua Colony, Faridabad.
4. I. Franklin, S/o Irwin Little, A.C. Khallasi, NDLS, 231/30, N.R.Chemlsford Road, New Delhi.
5. Khem Chand, S/o Lachman Dass, A.C. Khallasi, NDLS, B 23, Pandav Nagar, New Delhi.
6. Prem Chand, S/o Ram Swaroop, A.C. Khallasi, R/o House No.1021/- Lohiya Gali, Brahampuri, Shahadara, Delhi.
7. Manjeet, S/o late Kewal Ram, A.C. Khallasi, NDLS, 4/2516, Street No.11, Bihari Colony, Shahdara, DELHI.
8. Maan Singh, S/o Mor Singh Jayara, A.C. Khallasi, NDLS. 213, Munirka Village, NEW DELHI.
9. Sanjeev Kumar, S/o R.L. Sharma, AC Khallasi NDLS. T/237/4, Railway Colony, Shakur Basti, DELHI.
10. Chand Kumar, S/o Shri Om Prakash, AC Khallasi NZM, W-29 A, Plot No.36, Vishnu Garden, New Delhi.
11. Prem Bakshi, S/o Sant Kumar Bakshi, AC Khallasi NZM 54, Delhi, ADDM. Staff Flats, Ashok Vihar, Phase 4, [Near Nimri Colony], DELHI-110052.
12. Rajeev Kumar, S/o Ramavtar, AC Khallasi NDLS. T-86-D, Railway Colony, MEERUT.
13. Dharminder Kumar, Rattan Singh, AC Khallasi NZM, 116, Village Ghoga.
14. Ravinder Singh Lamba, S/o Man Mohan Singh Lamba, AC Khallasi NDLS. E 35, Guru Nanak Pura, Jail Road, DELHI.

15. Ramesh Kumar, S/o Bal Krishan Sharma, AC Khallasi NDLS. R6/252, Rali Gali Near Rampat Chakki, Sonipat, HARYANA.
16. Ashok Kumar, S/o Om Prakash, AC Khallasi NZM, 5/27, Shivaji Nagar, Gurgaon.
17. Tuley Ram, S/o Parsadi Lal, AC Khallasi NZM, Village Saboli, Near Nand Nagri, DELHI.
18. Ashok Kumar, S/o Dal Chand, AC Khallasi NZM, B 87, Raghbir Nagar, DELHI.
19. Yogesh Chander, S/o Tulsi Dass, AC Khallasi NZM, 144, Bhai Parmanand Colony, Delhi.
20. Jagvinder Singh, S/o Sardar Uttam Singh, Gali Shaheed Bhagat singh, Pahargunj, Delhi.

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-APPLICANT

(By Advocate: Shri Anis Suhrawardy)

Versus

1. Union of India through its General Manager, Northern Railway Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Chelmsford Road, New Delhi.
3. Sr. Divisional Personnel Officer, Northern Railway, D.R.M. Office, Chelmsfoard Road, New Delhi.
4. Senior Divisional Engineer (G-1), Northern Railway, D.R.M. Office, Chelmsford Road, New Delhi.
5. Assistant Electrical Engineer (ACC Coaches) Northern Railway, D.R.M. Office, Chelmsford Road, New Delhi.

-RESPONDENTS

(By Advocate: Shri B.K. Aggarwal through proxy counsel Shri Rajeev Bansal)

O R D E R (ORAL)

By Reddy, J.-

Heard the learned counsel for the applicant and the respondents.

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2. The applicants are Air Conditioning Khallasis. They have been appointed way back in 1978-1984 in the scale of Rs.750-940. The relief prayed for by them in paragraph are extracted hereunder -

- 8.1 direct that the applicants be appointed as skilled air-conditioning fitters in the pay-scale of Rs.950-1500 (RPS) respectively from their initial dates of their appointments in the next lower scale on the basis of their educational qualification/technical qualification and the trade certificates possessed by them
- 8.2 Issue an appropriate direction directing the respondents to appoint the applicants in capacity as 'Skilled Air-Conditioned Artisans' in the Grade of Rs.950-1500 (RPS) in commensurate to the nature of the work already being rendered by them.
- 8.3 direct payment of backwages/arrears of salary to the applicants fixing their appointments as Skilled Air-conditioned Fitters in the Pay-Scale of Rs.950-1500 (RPS).
- 8.4 Declare the policy of the respondents as null and void in appointing the present applicants as Air-conditioned Khallasis"

3. The relief prayed for in para 8.1 cannot be granted. It is contended by the learned counsel for the applicants that they were qualified to be initially appointed as Skilled Air-conditioning Fitters in the grade of Rs.950-1500. The applicants had applied for the post of AC Khallasis in the grade of Rs.750-940 and they have been appointed as such. There is no allegation that there was any fraud or misrepresentation on behalf of the respondents. They have been appointed during 1978-1984 and the OA is now filed in 1993. This relief is therefore also barred by limitation. We do not find any merit in this contention. The first relief, therefore, cannot be granted.

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4. The only point that was urged by the learned counsel for the applicants is that the applicants' name do not figure in the seniority list. In support of this contention the learned counsel for the applicants brought to our notice the seniority list of AC Helper Khallasi in the scale of Rs.800-1150. Admittedly, the applicants are AC Khallasis in the grade of Rs.750-940, which is a lesser scale to that of AC Helper Khallasi. Naturally, the applicants' name will not be found in this seniority list. In the circumstances this contention also cannot be accepted.

5. No other ground is urged. The OA is, therefore, dismissed.

N. SAHU
(N. SAHU)
MEMBER(A)

V. RAJAGOPALA REDDY
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VICE CHAIRMAN(J)

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