

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

....

Original Application No. 390 of 1996

this the 27th day of July 2001.

HON'BLE MR. S. DAYAL, MEMBER (A)

HON'BLE MR. RAFIQ UDDIN, MEMBER(J)

Kamalesh, S/o Late Munshi Lal, R/o Village Gariya Bhadal,
P.O. Chandi Kara, District Mainpuri.

2. Grendra Singh, S/o Sri Agya Ram, R/o Village Jahagirpur,
P.O. Amour, District Firozabad.

3. Shree Krishna alias Shree Kishan, S/o Sewa Ram, R/o
Village Bhardri, P.O. Amour, District Firozabad.

4. Bhau Singh, S/o Sarnam Singh, R/o Village Bhardri, P.O.
Amour, District Firozabad.

5. Ish Chandra, S/o Rameshwar Dayal, R/o Village Chhattan,
P.O. Jewati, District Mainpuri.

All working as Mate under P.W.I., Northern Railway, Chunar.

Applicants.

By Advocate : Sri Anand Kumar.

Versus.

1. Union of India through General Manager, Northern Railway,
Baroda House, New Delhi.

2. Divisional Supdt. Engineer (C), Northern Railway, DRM
Office, Allahabad.

3. Asstt. Engineer, Northern Railway, Mirzapur.

Respondents.

By Advocate : Sri A.K. Pandey.



S. DAYAL, MEMBER (A)

This application has been filed for setting aside the verbal reversion order dated 27.3.96 passed by by the respondent nos. 3 & 4 with all consequential benefits. A further direction is also sought to the respondents to regularise the services of the applicants in Group 'C' post/Mate against available vacancy according to their seniority.

2. The case of the applicants is that they had been working as Mate from the different dates and were performing the duties satisfactorily. They had passed their screening test held in the year 1994 for Group 'D' post. They claimed that they have been performing the duties of Mate and were shown as Mate/Gang Incharge/Site Incharge/Sheet holder. It is claimed that they were working as Mate under P.W.I./P.Q.R.S. Northern Railway, Fatehpur. They have claimed that their juniors namely S/Sri Deo Karan, Jhamman, Vijay Pal, Ram Sanehi, Dhani Ram, Samokhi, Booti and Atar Singh have been allowed to work as Mate, while the applicants have been reverted by oral orders. The applicants have relied-upon the authority of judgment of the Principal Bench to claim that they should be allowed to work as Mate.

3. We have heard Sri Anand Kumar, learned counsel for the applicants and Sri A.K. Pandey, learned counsel for the respondents.

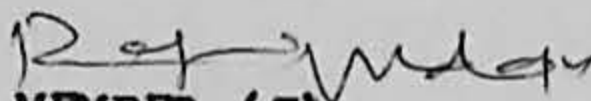
4. The learned counsel for the applicant has admitted that the applicants were not given any order of appointment as Mate, nor was given any termination order in writing. He has also admitted that the applicants were not getting the salary in the pay-scale of Rs. 950-1500/- of Mate which is a Group 'C' post. However, the learned


counsel for the applicants has placed reliance on the order of Principal Bench in the case of Shree Kishan Vs. Union of India & Others (O.A. No.1576/93) decided on 5.10.94. We have perused this order. In this case the applicant was admittedly discharged from the post of Mate under the respondents by order dated 8.9.95. Thus, there was a documentary proof having worked as Mate. This case is, therefore, different from the case of the applicants before us.

5. The learned counsel for the applicants has also drawn attention to the judgment of Principal Bench in O.A. no. 3074/91 in re. Shree Ram & Others Vs. Union of India & Others decided on 9.9.93. In this judgment, it has been mentioned that the applicants were working in the pay-scale of Rs. 950-1500/-, which is the scale of Class III employee, and that the applicants had acquired temporary status against the said post. This case is different from the case before use, hence the authorities are of no help to the applicants. The respondents have denied that the applicants have ever appointed on the post of Mate or given the salary for the post of Mate. It is stated that the P.W.L./PQRS Fatehpur vide his letter dated 15.5.96 has clarified that all the applicants had been working as Gangmen and were given the salary of Gangman. The respondents have denied that the eight persons named by the applicants are juniors to them and have stated that they were Mates and the applicants were subordinates to those persons. Similarly, Shree Kishan was also appointed as Casual Mate, while the applicants were appointed as Casual Gangmen.

6. In the light of the above, we find that the applicants have never worked on the post of Mate in the

pay-scale of Rs. 950-1500/-. Therefore, the O.A. is dismissed as lacking in merits. There shall be no order as to costs.


MEMBER (J)


MEMBER (A)

GIRISH/2