

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

O.A. No. / T.A. No. 13 46 / 97

Date of decision 7-11-2000

Notan Singh Applicant(s)

Gr: V/K Berman Counsel for the
Applicant (s)

VERSUS

401 8.05 Respondent (s)

In C.P. Agarwal Counsel for the Respondent(s)

C O R A M

Hon'ble Mr. Rafiquddin, J. ~~V.C. Member ()~~
 Hon'ble Mr. Member ()

Hon'ble Mr. _____ Member ()

1. Whether Reporters of local papers may be allowed to see the judgment ? Yes
2. To be referred to the Reporters or not ? No
3. Whether their Lordship wish to see the fair copy of the judgment ? No
4. Whether to be circulated to all Benches ? No

Signature

P I Y U S H /

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
ALLAHABAD

Allahabad : Dated this 7th day of November, 2000.

Original Application No. 1346 of 1997

CORAM :-

Hon'ble Mr. Rafiquddin, J.M.

Shri Lotan Singh,
S/o Shri Raghbir Singh,
Casual Khalesi
working as Pump Operator
Under Inspector of Works
Central Railway,
Mathura Junction.
(Sri VK Barman, Advocate)

. Applicant

Versus

1. Union of India Through
General Manager,
Central Railway,
Bombay V.T.
2. The Divisional Railway Manager,
Central Railway,
Jhansi.
3. The Assistant Engineer,
Central Railway,
Mathura Junction.

(Sri G.P. Agrawal, Advocate)

. Respondents

O R D E R

By Hon'ble Mr. Rafiquddin, J.M.

The applicant Lotan Singh, who was engaged as a casual labour was ultimately granted temporary status w.e.f. 10-7-1986. Later on he was screened on 30-12-1996 and his services were regularised as employee of the respondents and was posted vide letter dated 14-5-1997 by

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the Asst. Engineer, Central Railway, Mathura (respondent no.3), under PWI Kosi Kala as a Gangman, The grievance of the applicant is that although he had been engaged and paid as Khalasi, but he had had been put to work as a Pump Operator after giving him training of the post of Pump Operator of 7 days. Thus, after having put in more than 20 years of service as a Pump Operator, which is a higher post than the Khalasi and Gangman, neither his service as Pump Operator has been regularised nor he has been paid salary of Pump Operator. The applicant, therefore, has filed this OA seeking direction to the respondents to regularise his services as a Pump Operator and to pay salary of Pump Operator to him.

2. I have heard counsel for both the parties and perused the record carefully.

3. It has been contended by the learned counsel for the respondents that since the service of the applicant has been regularised as a Gangman after his screening on 30-12-1996, ^{and} he has been posted as a Gangman vide order dated 14-5-1997, copy of which has been annexed as Annexure-CA-2 and the post of Pump Operator being a post of skilled artisan, the applicant cannot claim his regularisation/post of Pump Operator. It has also been contended that essential qualification for the post of Pump Operator is that such person should be literate and skilled artisan and also should possess I.T.I. Certificate. The applicant is neither literate nor has obtained I.T.I. Certificate, so he is not even eligible to be appointed as Pump Operator. It is no doubt admitted that the applicant was given 7 days training of the Pump Operator but that does not make him eligible to be appointed as Pump Operator. The applicant after his appointment as Gangman is being paid salary of Gangman. It is also contended that mere looking after as casual Pump Operator, he is not entitled

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for the salary of Pump Operator. The applicant never insisted for the salary of Pump Operator and on the other hand had accepted the salary of Khalesi/Gangman without any protest. It is also mentioned by the learned counsel for the respondents that the applicant even never applied for his appointment as Pump Operator. He merely appeared before the screening committee and having been medically declared fit in B-I Category his services have been utilised as a Gangman in the Engineer Department. Since the applicant has no basic qualification for the post of Pump Operator, the claim of the applicant is not justified.

4. I find force in the contention of the learned counsel for the respondents that the applicant does not possessing the essential qualifications for his appointment as Pump Operator, his services cannot be regularised on the post of Pump Operator. Since, the applicant has not been appointed as Pump Operator as per rules, he cannot be equated with regular Pump Operators doing similar works. The appointment and mode of selection and the qualification of the applicant cannot be compared with regular Pump Operators who have been appointed as per rules. Hence, the applicant is not entitled for salary of Pump Operator on the principle of equal pay for equal work.

5. However, I find that the respondents have not disputed the fact that the applicant has been looking after the work of Pump Operator, his services may be regularised on that post on the basis of his experience, if the rules permit relaxation in respect of essential qualification on the basis of experience. I, therefore, while rejecting the claim of the applicant for regularisation of his service as Pump Operator and his claim for his payment of salary as Pump Operator, dispose of this OA

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with the direction to the respondents to consider the case of the applicant for appointment/regularisation as Pump Operator as and when vacancy for Pump Operator arises in the near future in the light of the observation made in this order. There shall be no order as to costs.

Rahimuddin
Member (J)

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