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RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Dated: This the 15<sup>th</sup> day of November 2006.

Original Application No. 982 of 2005.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman  
Hon'ble Mr. P.K. Chatterji, Member-A

1. Sukh Lal, S/o late Sri Laloo,  
R/o Block 14 Out House,  
Q. No. 4, North Loco Colony,  
KANPUR.
2. Ram Saran, S/o late Sri Bade Lal,  
R/o Q. No. 14, Out House,  
D North Colony Loco Gate,  
KANPUR.
3. Kishmat Kumar, S/o Sri Basdeo Sharma,  
R/o Plot No. 376A/1, Jawahar Puram,  
KANPUR.
4. Santosh Kumar, S/o Late Sri Banshi Lal,  
R/o W.W. 8D, C.O.D. Colony, Coperganj,  
Railway Mal Godam,  
KANPUR.
5. Shankar, S/o Lakshmi Narain,  
R/o Village Rasulabad, P.O. Bahram,  
FATEHPUR.

. . . . . Applicants

By Adv: Sri B.N. Singh

V E R S U S

1. Union of India through General Manager,  
North Central Railway,  
ALLAHABAD.
2. Divisional Railway Manager,  
North Central Railway,  
ALLAHABAD.
3. Assistant Engineer Works (I),  
North Central Railway,  
KANPUR.

. . . . . Respondents

By Adv: Sri P. Mathur

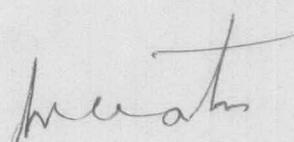
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O R D E R

By Hon'ble Mr. P.K. Chatterji, Member-A

In this OA, the applicants who are working as Valvemen in the North Central Railway are impugning the decision of the respondents (Annexure 1 and 2) taken in compliance with the directive of this Tribunal in OA No. 1197 of 2004 and OA No. 1212 of 2004.

2. The facts of the case are that the applicants have been working as Valvemen with the respondents from various dates. While the applicant No. 1 was appointed as Valve man on 06.12.1980, Applicant No. 2 and 3 were appointed first as Khalasi and subsequently working as Valvemen and the applicant No. 4 was appointed as Valveman from the beginning i.e. from 14.01.1982. The applicants are aggrieved that although they have been working as Valvemen in the Railways, they are not being given appropriate pay scale i.e. Rs. 3050-4590 which they have been claiming for a long time. This claim was made on the basis of the Railway Board's letter No. R/P&A/182/JC/1 dated 13.11.1982, 02.12.1982 and 15.12.1982. The applicants are further alleging that under these orders and also under various orders issued by the Tribunal in similar cases, large number of similarly situated employees have been allowed the pay scale of Rs. 3050-4590.

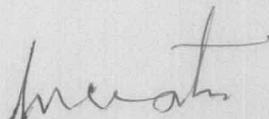


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3. There has been a plethora of OAs in this and other benches of the Tribunal on the question of granting appropriate pay scale of officials being employed as Valvemen by the Railways. Some of these OAs are as follows:

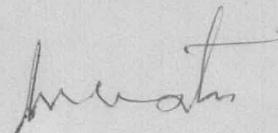
- a. OA No. 1112 of 1990
- b. OA No. 260 of 1994
- c. OA No. 526 of 1994
- d. OA No. 244 of 2001
- e. OA No. 280 of 1998
- f. OA No. 1097 of 2003
- g. OA No. 1354 of 2003
- h. OA No. 23 of 2004
- i. OA No. 1197 of 2004

4. The respondents in there counter affidavit and during the course of hearing have submitted that the approach and attitude of the respondents are very positive which would be obvious from the series of actions that they have taken to offer appropriate pay scale to the officials working as Valvemen. They have also brought to the notice of the Tribunal that before Third Pay Commission the Khalasis and the Valvemen were treated as belonging to Group 'D' cadre with identical pay scale. Many of official employed as Khalasis were engaged by the Railway in Water Supply. There was no claim for particular pay benefit as the pay scales were same. The Third Pay



Commission recognised the special skill required in Water Supply and fixed a higher pay scale for Valveman. Since then umpteen number of cases have arisen for giving higher pay scale to Khalasis being employed for Water Supply. The respondents have submitted that in compliance with the decision of OA No. 1097 of 2003 (Ram Ashrey and 5 others Vs. Union of India and others) 80 posts of Valveman in the pay scale of Rs. 3050-4590 were created after reclassifying all these posts of Artisan category. This illustrated that the respondents are interested in giving the benefit to the officials being engaged by them for Water Supply. However, the benefit is being given gradually on the basis of seniority and the claim of the present applicant will be allowed in due course as per their seniority in the category of Valveman as and when vacancy arises.

5. Now let us look at the various decisions of the Tribunal. It shows that the decision in OA No. 1112 of 1990 is amongst the first in this category of cases. This is the decision, which more or less are relied upon by the Tribunal in deciding the matter. In the remaining cases the Tribunal directed the respondents to dispose of the representations of the applicants in the light of the circulars of the Railway Board and the decisions/judgments of the Tribunal. It may, therefore, be stated that the decision in OA 1112 of 1990 is the cornerstone, on



which is grounded the other judgments by the Tribunal. For this reason, we think it appropriate to cite the relevant portion of the judgment, which is as follows:

".....

6. The learned counsel for the applicant has drawn attention to the supplementary affidavit filed by the applicants annexing letter dated 26.05.1984 of General Manager, Personnel D.L.W Varanasi and letter of Inspector of Works, Northern Railway Varanasi dated 02.05.1996 in which the replies were informed that those who were interested in selection as Valvemen in the scale of Rs. 950-1500 (R.P.S.) file their applications in the office within a week. The supplementary affidavit had contained letter dated 26.05.1984 which refer to letters of Railway Board dated 13.11.82, 02.12.82 and 15.12.82 in starting that the post of Valvemen was initially created in scale of Rs. 210-290 which has since been replaced by grade of Rs. 260-400 (Skilled) in view of the letters of Railway Board. The respondents were directed by order dated 9.9.91 to produce the abstract of IV Pay Commission report and other relevant records. This order was repeated on 11.8.97 and 6.1.99 but no such record has been produced.

7. We, therefore, direct the respondents to consider the applicants for being brought on the scale of Rs. 260-400 when it come to be prescribed for Valveman from the date any person similar circumstance appointed as Valveman subsequently was allowed the scale. This shall be done within a period of three months from the date of communication of this order. The applicants shall be entitled to all consequential benefit, from the date they got the scale of Rs. 950-1500 (R.S.). No order as to costs."

6. The decision of the respondents with which these applicants are particularly aggrieved is the decision in compliance with OA 1197 of 2004 and OA No. 1212 of 2004. Since this is the decision which has been impugned by the applicants, it should be appropriate to cite the relevant portion of the judgment, which is as follows:

"....

However, taking the above decision of the administration as a precedent, which was taken in good faith as well after considering the total requirement of the valvemen in entire Allahabad

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Division as well as total number of pending representation (KharGattu and 03 and Jagannath) at that time for above scale, Sri Sukh Lal and 2 others have also sought the similar benefit vide their representation dated 20/9/04. In addition to above similar benefits have also been sought by 7 more staff vide OA No. 1032/2004 and OA No. 1212/04. In addition to above, as many other staff in Khalasi helper grade may have also assisted the administration in the past in ensuring the water supply, similar claim for above scale may also be possible in future, whose magnitude can not be assessed at the moment.

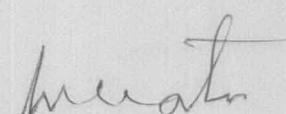
At present administration has only 80 upgraded post of the valvemen out of which only 8 are lying vacant in different units, which are being filled, based on seniority and suitability. Document submitted by Sri Sukh Lal and others indicates that they have assisted the administration in ensuring the water supply and I consider them eligible for above benefit. The above benefit however cannot be given to them immediately in view of the following.

- (i) Claim of similar benefits by other staff who are in helper grade but who have assisted and/or assisting the administration in ensuring the water supply is pending for decision by administration. In some of the cases, claimant staff may be senior to Sri Sukh Lal and 2 others and they are to be given preference over them subject to availability of vacancy in valvemen category and their suitability.
- (ii) Claim of similar benefits is also anticipated from other staff, who may have assisted and/or assisting the administration in ensuring the water supply, as brought out above and they may also be senior to Sri Sukh Lal and 2 others.

In view of the above I hereby decide the following

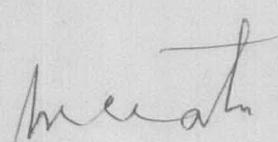
- (a) Consolidated list of all the staff including Sri Sukh Lal and 2 others, who are in helper grade as per their service record and have/may have assisted and/or assisting the administration in ensuring the water supply and now claiming/intend to claim the above benefit of valvemen grade shall be made in order of their seniority by each unit.
- (b) Each unit shall fill vacancy from above staff in order of seniority and suitability.
- (c) Remaining staff of the above list shall be accommodated in the category of valvemen as and when vacancy arises in the category of valvemen in future."

7. We have taken a close look at the appropriate decision of this Tribunal. Although we have no



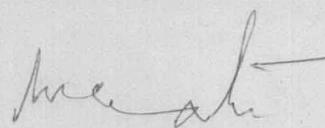
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doubt that the respondents have been trying their best to accommodate as many officials possible, the point which is clear is that the applicants in this OA, although working as Valvemen, are yet to get appropriate pay scales. It is also obvious from the decision (impugned) that the number of posts created in the category of Valvemen i.e. 80 is not sufficient to accommodate all the people who are engaged in Water Supply. On the other hand the decision in OA No. 1112 of 1990 is very clear that all officials similarly situated should be given the appropriate pay scale for Valvemen. Even in the impugned order it has not been disputed that the applicants i.e. Sukh Lal and two others are similarly placed. Therefore, it is necessary, just and proper in our view that they are also given the benefit of pay scale without any further loss of time, if necessary, by creating suitable number of additional posts. We are aware that this is a somewhat time consuming process. For this reason we allow six months time to the respondents to take suitable action so that there is no impediment in giving benefit to the present applicants who are admitted to be similarly situated. If we take a look at decision in OA 1112 of 1990 and the impugned order, it becomes clear that the order is not a complete compliance of the decision in OA 1112 of 1990.

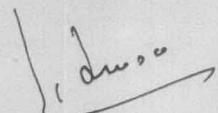




8. We, therefore, dispose of this OA directing the respondents to take suitable action, and if so required, to create <sup>additional</sup> posts Valvemen and give the benefit of the scale to the applicants within a period of six months from the date of communication of this order. No cost.



Member (A)



Vice-Chairman

/pc/