

CENTRAL ADMINISTRATIVE TRIBUNAL AL LAHABAD BENCH

Original Application No. 774 of 1988

## Versus

P. W. I. West Northern Railway, Kanpur & others.

### Respondents

Hon'ble Mr. A.B. Gorthi, Member (Administrative)

Hon'ble Mr. S. N. Prasad, Member (Judicial)

( By Hon'ble Mr. A.B. Gorthi, A.M. )

In this application the short prayer made by the applicant Shri Ram Gopal is that the respondents be directed to treat him as Blacksmith and pay his salary in the grade of black-smith alongwith other dues and service benefits since July, 1973.

2. The applicant was appointed as casual blacksmith in the year 1973 by the Railway Administration. According to him he was engaged as Blacksmith and his service was utilised as blacksmith ever since. In 1991 he was to be regularised and was therefore, sent for medical examination. The report of the Medical Officer stated that the applicant was fit for engagement as 'Gang Man'. The applicant's contention is that he was never assigned work of 'gangman' but he had been given his salary in the scale of Gangman though he was working as Blacksmith. In appreciation of the service rendered by him as Blacksmith he was awarded Rs. 50/- vide certificate(Annexure-1) dated 12.4.1985. Further, Derailment Register indicates that his service was being utilised as Blacksmith whereas the respondents have treated him

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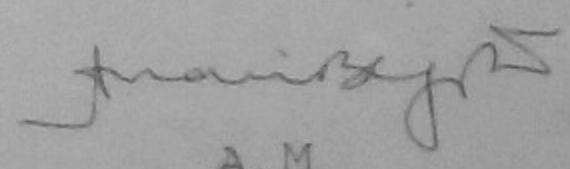
(8)

as 'Gang Man'/Khalasi.

3. The respondents refuted the claim of the applicant and stated that the applicant was initially engaged as casual labour in 1973 and when his service was to be regularised in 1981 he was taken as 'Gangman' in which appointment he is working even today. The learned counsel for the respondents further explained that the applicants service as blacksmith was taken whenever required, and he was paid accordingly, but that was not his regular appointment. In support of this contention, he produced before us the service record of the applicant. A perusal of the same would show that the applicant was engaged as 'Gangman'/Khalasi from 1981 onwards and there was no mention of his employment as Blacksmith therein.

4. In view of the above, it is clear that the applicant though appointed as 'Gangman' was being utilised as Blacksmith. There is nothing on record to show that the applicant rendered service as a Blacksmith for any particular period or for entire period. It seems that his service as a blacksmith <sup>was</sup> utilised as when such service was required. There is no escaping from the fact that his service was taken as Blacksmith at least on certain occasions and that he was commended for his service as a Blacksmith and was given a cash award Rs. 50/-. In view of this the applicant's case deserved to be considered sympathetically by the respondents for employment as Blacksmith. The respondents are hereby directed to take his service as 'Blacksmith' provided there is a requirement of the services of a blacksmith or a post in that trade is available, and pay him accordingly. The application is disposed of in the above terms without any order as to cost.

  
J. M.

  
A. M.

Allahabad dated 4th December, 1991.  
(RKA)