

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH), ALLAHABAD.

O.A.NO.
L.A.NO.

333 / 92.

OF 199

Date of decision : 3.7.92

.....Gulab Shankar.....Petitioner

.....Sri L. K. Kulkarni.....Advocate for the Petitioner.

Versus

.....Union of India & Ors.....Respondent

.....Sri. Dharti Bhushan.....Advocate for the Respondent (s).

CORAM:-

The Hon'ble Mr. Justice V. C. Sivarama, V. C.

The Hon'ble Mr. K. Obayya, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?

Signature

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

O.A.No.333 of 1992

Gulab ShankerApplicant.

Versus


Union of India & othersRespondents.

Hon'ble Mr.Justice U.C.Srivastava,V.C.

Hon'ble Mr.K.Obayya,A.M.

(By Hon'ble Mr.Justice U.C.Srivastava,V.C.)

The applicant was appointed as Casual Khelasi Mate and he has been performing his duties as Mate. The work of mate is to issue goods to artisan staff, register complaints and get them rectified through staff and supervise their work by visiting on the place of work. The applicant worked for 847 days which has been mentioned in the Casual Labour Card. The applicant, while working as Mate, was given scale in the year 1980. For regularisation and giving scale to the applicant and other similarly situated staff, the Assistant Engineer, intimated to the Divisional Personal Officer, Northern Railway, Allahabad that the list is being prepared and screening will be done accordingly. The applicant and others made representation in this behalf but being low paid employee and for fear of being removed from service, the applicant could not dare to complain for such exploitation of labour. The applicant thereafter made representation on 15.5.85 for payment of his salary of Mate but the same was not given. The Union thereafter again sponsored the case of the applicant and approached the authority in this behalf but without any result. The Inspector of Works vide his letter dated 29.6.90 stated that the staff mentioned in the attached list have complained




In writing that they are being utilised on the post of artisan category. An enquiry was made to the effect whether they are being utilized as such. In reply to Inspector of Works' letter dated 29.6.90, the Inspector of Works II intimated him that all the staff are working on the post of artisan category under instructions of their higher authorities. According to the applicant, he has been working on the post of Mate and work of artisan is being taken from him but the payment is being made as Khalasi Grade 750-940. Although he is entitled to the higher grade in view of work and duties performed by him and this is how the human being is being exploited.

2. On behalf of the Railway Administration, it has been pointed out that the work of Mate appears to have been added subsequently because the posts of Mate and Khalasi are quite different posts and the Khalasis are screened and after screening they were regularised. Some of them have already been regularised. Khalasis worked along with the artisans and this is how they became skilled. Merely because the applicant was working with the artisans, he cannot claim himself as artisan and also cannot claim the grade of artisan. Unless he is trade-tested, he cannot be appointed as Mate and cannot be granted the grade of Mate. It appears that the applicant was appointed as Khalasi and he has also been performing the duties which are being performed by Mate but unless he is appointed as Mate in accordance with law, he cannot claim the pay scale and grade of Mate but at the same time, it is also not very desirable on the part of Railway Administration that they

should take the work of Mate from the applicant without promoting him. If the vacancies are available, there appears no reason as to why these persons will not be trade-tested and in case, they succeed in trade test, they should be promoted against the vacancies. The case of the applicant may be considered in this light. The General Manager should make an enquiry as to whether the work of Mate is being taken. Let it be done within a period of three months from the date of communication of this order. If the work of Mate is being taken, there appears no reason as to why a direction for paying higher salary and allowance which he is entitled, should not be given to them. With these observations, the application stands disposed of. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: JULY 3, 1992

(ug)