

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

D.A.NO.
T.A.NO.

334/92

OF 199

Date of decision : 3.7.99

.....Jawahar Lal. D. D. D.Petitioner

.....S. L. KushwahaAdvocate for the Petitioner.

Versus

.....Union of India & OthersRespondent

.....S. Bharat BhushanAdvocate for the Respondent (s).

CORAM:-

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

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

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

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Signature

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

O.A.No.334 of 1992.

Jawahar Lal & anotherApplicants.

Versus

Union of India & othersRespondents.

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

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

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

The applicants were appointed as Casual Fitter on different dates in the year 1975 and they have been performing their duties as Fitter. They were also utilized on the post of artisan category i.e. Fitter Grade 950-1500 and were given the scale in the year 1980. For regularisation and giving scale to the applicants and other similarly situated staff, the Assistant Engineer intimate to the Divisional Personal Officer, Northern Railway, Allahabad that the list is being prepared and screening will be done accordingly. The applicants and others made representation in this behalf but being low paid employee and for fear of being removed from service, the applicants could not dare to complain for such exploitation of labour. The applicants thereafter made representation for payment of their salary of Fitter but the same was not given. The Union thereafter again sponsored the case of the applicants 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 utilised as such. In reply to Inspector of Works I's 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 applicants, they have been working on the post of Fitter and work of artisan is being taken from him but the payment is being made as Khalasi Grade 750-940 .. Although they are 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 Fitter appears to have been added subsequently because the posts of Fitter 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 applicants were working with the artisans, they cannot claim themselves to be artisans and also cannot claim the grade of artisan. Unless they are trade tested, they cannot be appointed as Fitter and cannot be granted the grade of Fitter. It appears that the applicants were appointed as Khalasi and they have also been performing the duties which are being performed by Fitter but unless they are appointed as Fitter in accordance with law, they cannot claim the pay scale and grade of Fitter but at the same time, it is also not very desirable on the part of Railway Administration that they should take the work of Fitter from the applicants without promoting them. 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 applicants may be considered in this light. The General Manager should make an enquiry as to whether the work of Fitter 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 Fitter is being taken, there appears no reason as to why a direction for paying higher salary and allowance to which he is entitled, should not be given to them. With these observations, the application stands dismissed. ^{disposed of} No order as to costs.

MEMBER (A)

VICE CHAIRMAN.

DATED: JULY 3, 1992

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2/9/92