

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH.

O.A.NO.336 of 1992

Inder & others.....Applicants.

Versus

Union of India & others Respondents.

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 applicants no.1 to 4 were appointed as Casual Artisan in the month of March, 1975, April, 1976, September, 1974 and in March, 1965 respectively. They were also utilised on the post of artisan category i.e. 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 intimated 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 employees 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 artisan 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

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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 the instructions of their higher authorities. According to the applicants, they have been working on the post of Carpenter and work of artisan is being taken from them 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 them and this is how the human being is being exploited.

2. On behalf of the Adilwaz Administration, it has been pointed out that the work of artisan appears to have been added subsequently because the posts of Artisan 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 the grade of artisan. Unless they are trade tested, they cannot be appointed as Artisan and cannot be granted the grade of Artisan. It appears that the applicants were appointed as Khalasi and they have also been performing the duties which are being performed by artisan but unless they are appointed as Artisan in accordance with law, they cannot claim the pay scale and grade of artisan but at the same time,

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it is also not very desirable on the part of Railways Administration that they should take the work of artisan 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 artisan 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 artisan is being taken, there appears no reason as to why a direction for paying higher salary and allowance to which they are entitled, should not be given to them. With these observations, the application stands dismissed. No order as to costs.

MEMBER(A)

VICE CHAIRMAN.

DATED: JULY 3, 1992

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