

15  
Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
ALLAHABAD

Original Application No. 70 of 1993

Allahabad this the 28th day of August, 2000

Hon'ble Mr. S.K.I. Naqvi, Member (J)  
Hon'ble Mr. M.P. Singh, Member (A)

Sukh Deo Lal Chaturvedi, Son of Sri Moti Lal Chaturvedi, Resident of 664, Shitla Paaysa, Bharatpur Gate, Mathura.

Advocates Shri S. Tiwari,  
Shri D.P. Mishra,  
Shri V.K. Burman

Versus

1. The Union of India through the General Manager, Central Railway, Victoria Terminus, Bombay.
2. The Divisional Railway Manager, Central Railway, Jhansi.
3. The Assistant Engineer, Central Railway, Mathura Jn.
4. The Chief Permanent Way Inspector, Central Railway, Mathura Jn.

By Advocate Shri G.P. Agrawal

O R D E R ( Oral )

By Hon'ble Mr. M.P. Singh, Member (A)

The applicant has filed this O.A under Section 19 of the Administrative Tribunals Act, 1985 against the order dated 04.8.1992 passed by the Assistant Engineer, Central Railway, Mathura.

:: 2 ::

2. Brief facts of the case are that the applicant was working as a Clerk, Group 'C' employee. The case of the applicant as stated by him, is that since ~~from~~ the date of his appointment he has been working as Clerk and also performing the various duties of Class III employee. He was also deputed for doing pairvi in court cases, which can be entrusted only to a clerk and not to Class IV employee. Since the date of appointment he has been working as Clerk, he should be given the pay and allowances of the Clerk. However, the applicant is not being paid the salary of the Clerk cadre of Rs.950-1500, but is being paid the salary of Class IV employee in the grade of Rs.775-1025. Aggrieved by this, he has filed this O.A. seeking direction to the respondents to treat the applicant as Class III employee and to pay him salary of Class III, in the grade of Rs.950-1500, alongwith arrears.

3. The respondents have contested the case and filed the counter-reply. In counter-reply it is stated that the applicant was engaged as Group 'D' employee by the P.W.I., Mathura. According to them, the applicant has been working as a Messenger and was performing the duty of Class IV employee. According to them, the appointment in Class III is made by Railway Recruitment Board and not by a subordinate staff namely P.W.I. Since the applicant has not been appointed to Class III post, he cannot

:: 3 ::

be paid the pay and allowances of Group 'C' post in the scale of Rs.950-1500. In this case, the applicant has not qualified in the direct recruitment by Railway Recruitment Board and has also not been promoted to Class III ~~nor from~~ Class IV under promotion quota. With these submissions, the respondents have prayed for dismissal of this O.A.

4. Heard counsel for the respondents Shri G.P. Agrawal and perused the record.

5. It is an admitted fact that the applicant has not been appointed to Group 'C' post in the pay scale of Rs.950-1500. As per recruitment rules, the appointment to Class III post is made in accordance with the rules and instructions. According to recruitment rules for Group 'C' post, appointment is only made by direct recruitment through Railway Recruitment Board or under the promotion quota from Group 'D' to Group 'C'. It is also not in dispute that the applicant has <sup>not</sup> ~~not~~ qualified <sup>any</sup> ~~the~~ direct recruitment examination, conducted by Railway Recruitment Board, nor he has been promoted under the promotion quota. Merely performing the duties of Group 'C' post under oral orders, will not entitle him for promotion to the post of Group 'C'.

:: 4 ::

6. In view of these ~~above~~ facts, the applicant is not entitled to any relief sought for and the O.A. being devoid of merit, is dismissed accordingly. No order as to costs.

*msf*  
Member (A)

*See page*  
Member (J)

/M.M./