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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 12TH DAY OF MAY , 1998

Original Application No. 812 of 1993

HON.MR.S.DAYAL, MEMBER(A)

HON.MR.S.K.AGRAWAL, MEMBER(J)

1. Adhar Chandra Singh  
S/o Shri Ram Ratan singh  
aged about 33 years.
2. Anup Hemant Kerketta  
S/o Sri saran Kerketta  
aged 32 years.
3. Om Prakash, S/o Sri Gopi Chand  
aged 40 years.
4. Ram Kripal, S/o Ram Briksha  
aged 30 years
5. Bhagwan Chand, S/o Sri madhaw  
Ram aged 36 years.
6. S.R. Shukla, S/o Sri H.R. Shukla  
aged 43 years.
7. Arvind Kumar S/o Sri Basdeo aged  
32 years
8. Prem Narain Gond, S/o Sri Moti Lal  
aged 35 years

All the above named applicants are  
working as Lab Attendant. Applicant No.1  
to 4 are working in N.E. Railway Boys  
Inter College Gorakhpur and applicant  
no.5 to 8 are working in N.E. Railway  
Senior Secondary School Gorakhpur.  
C/o O.P. Gupta, Advocate  
R/o 258/1-B, New Sobatiya  
Bagh Allahabad.

... . . Applicants

(By Advocate Shri O.P. Gupta)

Versus

1. General Manager(P) N.E. Railway  
Gorakhpur.
2. Union of India through Railway  
Board, Ministry of Railways,  
Govt. of India, new Delhi.

... . . Respondents

(BY Adv: Shri V.K. Goel)

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O R D E R

HON.MR.S.DAYAL, MEMBER(A)

This is an application u/s 19 of the Administrative Tribunals Act 1985.

2. The applicants have sought by way of relief a direction to the respondents to grant pay scale of Rs.1200-2040 to the applicants according to the instructions of Railway Board and to consider the applicants for further promotion as per orders dated 21.1.84. A direction has also been sought that the applicants be allowed to work as lab attendants even after six years deleting the condition of the applicants being sent back to their parent department after this period.

3. The case of the applicants as given in the application is that they belong to the cadre of Khalasis in the pay scale of Rs.750-940 and subsequently they were appointed as lab attendants in the pay scale of Rs.800-1150 and posted in N.E. Railway Boys Inter College Gorakhpur and N.E. Railway Senior Secondary School Gorakhpur. It is stated that there were only two posts of lab attendants till July 1983 and subsequently six more posts were created in July 83 in the aforesaid colleges out of which three posts were designated as lab attendants and the other three were of lab assistants but all the posts were in the old pay scale of Rs.210-270. It is stated that the Railway Board decided to revise the pay scale of lab attendants from Rs.290 to 500 and lab assistants from Rs.330 to 530 and selection grade of lab assistant from Rs.470-580 to Rs.530-610 and decided that lab attendants who were matric with science will be fit for promotion as lab assistants in accordance with fixed quota/percentage. The Railway Board decided to enforce the orders w.e.f. 3.3.83. It is further stated that the minimum pay scale prescribed by Railway Board for laboratory staff is Rs.1200-2040 but the respondents were paying Rs.800-1150 to the applicants which is less than the pay scale for the laboratory staff. It has

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also been claimed that work done by the lab assistants and lab attendants is identical and same and therefore any difference in salary was neither proper nor justified. It is claimed that this position has been confirmed by principals of various colleges to whom query was made by the Railway board. It has also been claimed that the period of six years for working on the post of lab attendants on ex-cadre basis is unjustified and is not in the interest of the public.

4. The argument of Shri O.P. Gupta for the applicant and Shri V.K. Goel for the respondents have been heard. The pleadings on record have been considered.

5. The learned counsel for the applicant has drawn attention to Annexure 2 to the OA in which the Railway Board have passed an order amending the pay scale for the post of lab assistant from Rs.290-500 to Rs.330-10-350-EB-10-380-15-500-EB-15-530 and selection grade to Rs.470-15-560-20-580-20-610. It has also been stated that the lab assistants should have qualification of senior secondary/Intermediate with science and experience of working of one year in biology and chemistry labs but grade 'D' staff/lab attendants who had passed matriculation with science would be entitled to promotion as lab assistants in a fixed quota. No rules for promotion to the post of lab assistant nor any quota prescribed for promotion to such a post has been shown to us.

5. The learned counsel for the applicant has claimed that the lab attendants and the lab assistants perform the same work and therefore should get the same pay on the principle of 'equal pay for equal work'. However, we find no analysis of the functions nor any job specification for the two posts. On the otherhand, the learned counsel for the respondents has mentioned that the Boys Intermediate colleges had the post of demonstrators instead of the post of lab assistants and he also mentioned that the demonstrators were performing the

work of lab assistants and therefore it was not left necessary to have the posts of lab assistants also in those laboratories.

6. The learned counsel for the applicant has mentioned that three posts of lab assistants were created by order of G.M.(P) dated 6/10.9.84 while the other three posts were those of lab attendants. The learned counsel for the respondents has mentioned in the reply that the nomenclature of 'lab assistant' given in order of G.M.(P) dated 6/10.9.84 was by mistake and that subsequently it was corrected to the nomenclature of 'lab attendants' when extensions to the post subsequent years were granted. He has shown that in the same year the principal Boys Intercollege Gorakhpur had written to G.M.(P) saying that the posts of lab attendants was inadvertently shown as that of lab assistant while the scale was shown to Rs. 210-270 which was that of lab attendant.

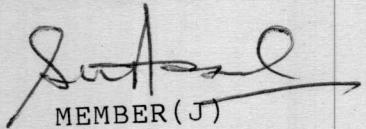
7. Another argument presented before us by the learned counsel for the applicant is that the Railway Board themselves were considering the creation of post of lab assistant and the matter was discussed in PNM meeting and that this matter has been delayed. We do not find any reason for giving any direction to the respondents on the issue of creation of posts. It is upto the respondents to consider the requirements and then create posts of lab assistants or lab attendants keeping the totality of the picture in view.

8. Another fact which has been brought to our notice is that the post of lab attendant is an ex-cadre post on which Khalasis are appointed after selection only for a period of six years and are sent back to their parent cadre. They retain lien over their posts in the parent cadre and are entitled to promotion as clerks based on their lien to the extent of 33.33% which is their quota for promotion. It is mentioned that the filling up of post of lab assistant is a stop gap arrangement and gives additional chances of holding higher posts to khalasis till they are considered for

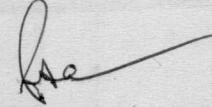
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promotion to group 'C' posts to which they are entitled under the recruitment rules. Therefore no direction is considered necessary by us for extending the period of six years or for deleting this condition. The fact that the Khalasis who had worked on ex-cadre posts only for a period of six years will also militate against their selection out of turn as under Railway Board circular dated 21.1.84 they are to be considered for promotion to the post of lab assistant alongwith group 'D' staff and lab attendants on the basis of their common seniority in a fixed percentage. Therefore their claim for all the posts of lab assistant for lab attendants who happened to be working as such for the time being would not be equitable.

9. In any view of the matter, the case of the applicants for relief sought has not been established. We, therefore, dismiss the OA as lacking in merits. There shall be no order as to costs.



MEMBER (J)



MEMBER (A)

Dated: 12th May, 1998

Uv/