

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 11th day of April 2001.

Hon'ble Mr. S.K.I. Naqvi, Member-J

Hon'ble Maj Gen K.K. Srivastava, Member-A.

Original Application no. 260 of 1994.

1. Putti Lal, S/o Badri
2. Madhur Mohan, S/o Gauri Shanker
3. Uma Shanker, S/o Jagdamba Lal
4. Tulsi Ram, S/o Jokhan
5. Shyamdeo, S/o Perdeshi
6. Binda, S/o Jagarnath
7. Gudari, S/o Hari Nath
8. Lal Chand, S/o Nirmal Lal
9. Lal Bachan, S/o Mani
10. Ram Bachan, S/o Rajjoo
11. Sewa Singh, S/o Kalpnath
12. Brij Narain Lal, S/o SK Lal
13. Lalji, S/o Shiv Pujan
14. Dharmdeo, S/o Sati Ram
15. Nawal Ram, S/o Pilai
16. Shambhoo Prasad, S/o Jagarnath
17. Mahammad Jahir, S/o Mohd. Habiullah
18. Manni Lal, S/o Sadaloo

All valvemen, NE Rly., BSB, Varanasi.

... Applicants

C/As Sri A.K. Sinha

...2/-

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VERSUS

1. Union of India through the Chairman,
Railway Board, Rail Bhawan,
NEW DELHI.
2. The General Manager (Personnel),
N.E. Rly.,
GORAKHPUR.
3. The Divisional Railway Manager,
(Personnel), NE Rly.,
VARANASI.

... Respondents

C/Rs Sri V.K. Goel

ALONGWITH

Original Application no. 526 of 1994.

1. Ram Dular, S/o Raghunandan
2. She Raj, S/o Ram Nath
3. Tribeni, S/o Raghubar
4. Algoo, S/o Gajraj
5. Sewa Ram, S/o Lautu Ram
6. Doodh Nath, S/o Ori

... Applicants

C/A Sri A.K. Sinha
Sri P.K. Kashyap

Versus

1. Union of India through General Manager,
N. Rly., Baroda House,
NEW DELHI.

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2. Divisional Railway Manager, N. Rly.,
LUCKNOW.

3. Inspector of Works, N. Rly.,
VARANASI.

... Respondents

C/Rs. Sri D.S. Saxena
Sri P. Mathur

O R D E R (Oral)

Hon'ble Mr. SKI Naqvi, Member-J.

The Khalasis appointed to work ⁱⁿ ~~on~~ railway establishment have come up through different OAs with similar type of relief to the effect that in view of the work being taken ^{from} ~~by~~ them, they be ^{held} ~~hold~~ to be in the artisan staff and the grade admissible to valvemen be allowed to them and, therefore, both the OAs i.e. OA 260 of 1994 and OA 526 of 1994 are ~~been~~ ^{being} decided by the same order. Leading case to be OA 260 of 1994.

2. ^{Gist} ~~Gest~~ and substance of the relief sought is that the respondents be directed to acknowledge their services as valvemen and allowed ^{to} ~~them~~ the scale as applicable to the cadre of valvesmen from the date of their appointment. As per applicants case, they were engaged as valvemen, as per pleadings in OA 260 of 1994, and the applicants of OA 526 of 1994 were engaged as Khalasi, but right from 1974 they are working on the

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post of valvemen. The applicants have based their claim on notification issued from time to time in response to their service condition and the pay scales allowed for the post of valvemen.

3. In OA 526 of 1994 there is blanket denial from the side of the respondents that the applicants ever worked as valvemen and it has been pleaded that right from their initial engagement they are working as Khalasi. In OA 260 of 1994 the respondents have a case that the post of Valvemen in N.E. Rly. ~~has~~ ^{is} a promotional post through departmental selection test and the applicant can be given his service benefit as applicable to the post of Valvemen only when they come up successfully through promotional selection test in that respect, too.

4. Heard Sri A.K. Sinha learned counsel in both the ~~parties~~ ^{As} and Sri V.K. Goel learned counsel for the respondents in OA 260 of 1994 and Shri P. Mathur learned counsel for the respondents in OA 526 of 1994.

5. For narration purpose, first we take up OA 526 of 1994 which relates to applicants who are working in N. Rly. establishment, wherein there is no pleading regarding selection test bar, but the respondents have alleged that at no point of time the work of Valvemen was ~~taken~~ ^{from} by the applicants. The applicants have brought on record annexure A-2 and A-3 to indicate that the applicants, Algoo, Sewa Ram,

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Dooth Nath as well as Triveni were directed to work as Valvemen regularly and have also drawn our attention towards Annexure A-1, through which they have put their claim before departmental authority for grant of scale admissible to the post of Valvemen and also to regularised them as such. These representations are still pending without communication of any decision taken thereon.

6. In OA 260 of 1994, the position is ~~same~~ *different*. ~~What different were~~ the dispute is not on the fact as to whether the work of Valvemen was taken from the applicants or not. But the respondents case therein is that the post of Valvemen is a promotional post through process of selection and, therefore, the ~~applied~~ applicants cannot be given any benefit without going through that process. The applicant in this matter have asserted that no such test is required in their case because they are regularly working as Valvemen and as per Railway Board's circular they have been acknowledged as semi skilled workers and, therefore, ~~with~~ *while* implementation of those circulars they became entitled to get their claim. It has also been clarified that these circulars have been implemented in all the railways except N.E. Rly., through the N.E. Rly. also comes under the ~~title~~ *Control* of Railway Board. Therefore, they ~~are~~ *shall* not hesitate or shirk to get the Railway Board's notification implemented.

7. Learned counsel for the applicant also took us through the order~~s~~ rendered in OA1112 of

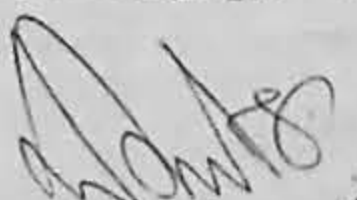
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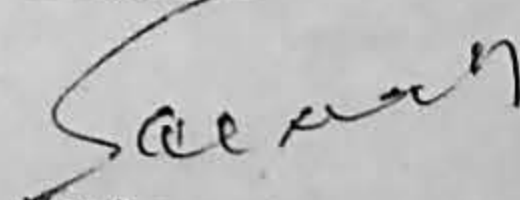
1990 by a bench of this Tribunal and under similar circumstances there is a direction that the applicant therein be considered to be brought on the scale of Rs. 260 - 400 when it came to be prescribed for Valvemen from the date of any person under similar circumstances appointed as Valvemen subsequently, and was allowed the scale. In this matter also the applicant have a grievance that their representations moved repeatedly but ~~they~~ have not been considered and decided. In reply learned counsel for the respondents referred the findings by the Bench of the Tribunal in OA 295 of 1987 decided on 6.3.96 where in the claim for grant of Valvemen status was declined.

8. Keeping in view the facts and circumstances of the matter before us we find that no legal controversy is involved. It is only a case where the departmental concern has to examine whether the applicants are entitled to direction issued by the Railway Board from time to time. Therefore, we decide the matter as under :-

The applicants in both the matter to move their representations to respective competent authority within 2 months, if so advised. After having received the representations, if so preferred, the competent authority shall decide the same within 3 months by passing detailed, reasoned and speaking order taking into consideration the notifications referred in the representations and the latest verdict by the Tribunal in OA 1112 of 1990 decided on 3.4.2000. Both the OAs are decided accordingly. No order as to costs.

/pc/


Member-A


Member-J